

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16* zone to an O-1 zone (2) for the reasons given in the attached statement; and (3) for a special exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

*A small portion of subject property is already zoned O-1.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Citicorp Financial, Inc.
(Type or Print Name)
Signature: Ronald E. Geesey, President
Address: 7720 York Road, Towson, Maryland 21204
City and State: Towson, Maryland 21204
Attorney for Petitioner: Richard A. Reid, Esq.
(Type or Print Name)
Signature: [Signature]
Address: 102 West Pennsylvania Avenue, Towson, Maryland 21204
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 823-1800

BABC-Form 1

PETITION FOR ZONING RE-CLASSIFICATION
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*A small portion of subject property is already zoned O-1.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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Signature: Ronald E. Geesey, President
Address: 7720 York Road, Towson, Maryland 21204
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Attorney for Petitioner: Richard A. Reid, Esq.
(Type or Print Name)
Signature: [Signature]
Address: 102 West Pennsylvania Avenue, Towson, Maryland 21204
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 823-1800

BABC-Form 1

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Md. 21204

Daft-McCune-Walker, Inc.
530 East Joppa Road
Towson, Md. 21204
Mr. Harry Grace
Current Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of September, 1983.

ARNOLD JABLON
Zoning Commissioner

Petitioner Citicorp Financial, Inc. Received by: [Signature]
Petitioner's Attorney Richard A. Reid, Esquire
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 12 - Case No. R-84-120
Petitioner - Citicorp Financial, Inc.
Reclassification Petition

Dear Mr. Reid:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to reclassify this property, which lies directly to the rear of the existing office building on York Road, this hearing is required.

Because the submitted site plan did not indicate a proposed use, all comments that were submitted by this Committee were general in nature. If the petition is granted, more detailed comments will be forwarded in the future. This will require, among other things, review by the County Review Group (CRG). For further information on this process, you may contact Mr. Harry Grace at 494-3335.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Richard A. Reid, Esquire
Page 2
October 25, 1983

Enclosures

cc: Daft-McCune-Walker, Inc.
530 East Joppa Road
Towson, Maryland 21204

Mr. Harry Grace
Current Planning Division

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

August 10, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #12 (1983-1984)
Property Owner: Citicorp Financial, Inc.
S/S Cross Campus Drive 487' W. York Rd.
Acres: 6.94 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 12 (1983-1984).

Very truly yours,

[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FW:RS

N-W Key Sheet
14 NE 2 Top. Sheet
NE 9 A Topo
70 Tax Map

Maryland Department of Transportation
State Highway Administration

Lawell K. Bridwell
Secretary
M. S. Caldwor
Administrator

July 15, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 7-12-83
ITEM: #12.
Property Owner: Citicorp Financial, Inc.
Location: S/S Cross Campus Drive 487' W. York Road (Route 45)
Existing Zoning: D.R. 16
Proposed Zoning: Reclassification for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division
Acres: 6.94
District: 9th

Dear Mr. Hammond:

The proposed petition should have no adverse effects on the State Highway.

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John Meyers

CLJ:masw

cc: Mr. C. Wittman
Mr. J. Ogil

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
P.O. Box 717 / 701 North Calvert St., Baltimore, Maryland 21203 - 0717

NOV 29 1984

v. TOWN OF NEW MARKET

Opinion of the Court. [55 Md. App.]

2, 181 A.2d 671 (1962), it was said

... may have occurred prior to the

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res in the neighborhood could not be

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ges may sometimes be considered,

an ordinance may affect this con-

Glackin, 45 Md. App. 457 (1980)

ated in *Jay* allows consideration of

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Opinion of the Court. [55 Md. App.]

573]

It is well settled, however, that changes in the character

of a neighborhood prior to adoption of comprehensive zoning

may be considered only in conjunction with subsequent

changes. *Chevy Chase Village v. Montgomery County*, 258

Md. 27, 43-44 (1970).

In the case *sub judice* the court concluded that the only

change since 1977 was the 1981 text change and clarification

that made a truck stop a legal use in the H.S. classification and

in effect, excluded it from the G.C. classification. This

does not constitute a post-1977 ordinance change in the

character of the neighborhood sufficient to permit examina-

tion of pre-1977 changes.

Moreover, the circuit court found that even if it considered

changes before 1977, it did not have to look beyond 1971. The

trial court opined:

"We are not here dealing with a comprehensive

rezoning that may have overlooked something,

some changes. It would appear from this record a

deliberate determination by the County Commis-

sioners in 1971 to place this property in a commercial

category and it has continued in that down to

the present time, and it seems to me that there is a

truncating, at that point, of the circumstances or

the necessity to view and consider changes prior to

that date."

We agree with the trial court's analysis. Since the Board

of County Commissioners reclassified the property as com-

mercial in 1971, and in effect reaffirmed that classification

in 1977, there is a presumption of correctness in that classifica-

tion and, therefore, no need to look for change before that

1971 action.

The provision in the 1977 ordinance mandating mea-

surement of change from 1959 is distinguishable from the

preamble that we gave effect in *Jay v. Smith*, *supra*. In *Jay*,

the preamble described the Harford County Council's

purpose to prevent pre-ordinance changes from circum-

venting the county's proposed comprehensive plan, putting

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undue pressure on public facilities, and conflicting with

agricultural conservation. In this case, Frederick County's

1977 ordinance provided no justification for the 1959 change

date.

When a local legislative body adopts what by legal defini-

tion is "comprehensive rezoning," it cannot either in the

same ordinance or otherwise provide that it is not compre-

hensive rezoning, either by so stating or through a designa-

tion of the change/mistake date.

The locality's legislative authority to zone stems not from

its own inherent police power, but from that power granted

to the locality by state law. It is the state law which deter-

mines the extent of that power, and the terms under which

it may be exercised in Maryland. Md. Ann. Code, art. 66,

§4-01 (1978 repl. vol.); *Harbor Island Marina v. Calve*, 286

Md. 303, 309 (1979). State law defines what constitutes

comprehensive rezoning, and what consequences flow from

that designation. By definition, comprehensive rezoning is

the product of thorough, deliberate consideration of extant

facts and circumstances. *Howard County v. Dorsey*, 292 Md.

351, 363 (1982); *Mrs. v. County Comm'n's of Cecil Co.*, *supra*,

291 Md. at 88-89 (1981). When, as here, that definition is

met, state law promotes the stability of land use by accord-

ing the rezoning a presumption of correctness, rebuttable

only by a showing of mistake or change in circumstances.

Md. Ann. Code, art. 66B, §4-05 (a) (1978 repl. vol.). *Howard*

County v. Dorsey, *supra*, 292 Md. at 355-56 (1982); *Boy v.*

Boyd, 42 Md. App. 527, 533 (1979); *Anne Arundel Co. v. Md.*

Nat'l Bank, 32 Md. App. 437 (1976). See generally

Comment, "Zoning Change: Flexibility v. Stability," 26

U. Md. L. Rev. 48 (1986); N. Williams, 1 *American Land*

Planning Law, 56-60 (1974).

Given the deliberation with which the circumstances

leading up to this comprehensive rezoning were examined,

given that the conclusions reached from this examination

were the basis for this comprehensive rezoning, and given

the public policy favoring stability of land use, it is clear

that the evidence of change or mistake be determined from

CARDON INV. v. TOWN OF NEW MARKET

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the date of this comprehensive rezoning would permit needless duplicative

before the rezoning, e.g., evidence

considered and presumed to be consid-

ered and presumed to be considered prior to the rezoning.

In addition, it would promote haphazard, piecemeal rezoning

in contravention of public policy.

Applying state law, the court

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C.

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Commissioners, appellant asser-

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Compensation Comm'n v. Ar

155, 67 S.Ct. 245, 91 L. Ed. 1

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283 Md. at 518-519.

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v. TOWN OF NEW MARKET

Opinion of the Court. [55 Md. App.]

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would permit needless duplicative consideration of evidence

before the rezoning, e.g., evidence of change already consid-

ered and presumed to be considered prior to the rezoning.

In addition, it would promote haphazard, piecemeal rezoning

in contravention of public policy.

Applying state law, the court properly concluded that

1977 would be the date for considering change in the char-

acter of the neighborhood for the purpose of determining

whether the requested rezoning should be granted.

C.

Since the issue of the 1959 date was not raised before the

Commissioners, appellant asserates that this issue could

not be raised for the first time in the circuit court. Appellant

quotes *Bulluck v. Pelham Wood Apartments*, 283 Md. 505

(1978) and quotes from that case:

"As the Supreme Court stated in *Unemployment*

Compensation Comm'n v. Aragon, 329 U.S. 143,

155, 67 S.Ct. 245, 91 L. Ed. 136 (1946):

"A reviewing court usurps the agency's

function when it sets aside the administrative

determination upon a ground not heretofore

presented and deprives the Commission of an

opportunity to consider the matter, make its

ruling, and state the reasons for its action."

283 Md. at 518-519.

As the Department points out, in *Bulluck* the issues the

appellant attempted to raise in the circuit court were alleged

procedural and evidentiary errors, as distinguished from

substantive legal issues. 283 Md. at 518. It is significant that

the Supreme Court in *Aragon*, in the sentence immediately

preceding the one quoted in *Bulluck* (above), stated that

"the responsibility of applying the statutory provisions to the

facts of a particular case was given in the first instance

to the Commission." It is clear that in *Aragon*, unlike the

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case before us, the issue was an evidentiary one and not a

legal one.

The Commissioners' application of the 1959 change date

was a mistake of law. So long as correction of that mistake

did not necessitate the taking of additional evidence, it was

within the power of the circuit court to correct the mistake

and decide the case. Clearly, the court has the power to

reverse an administrative action that is arbitrary, capric-

ious, illegal or unconstitutional. *Annapolis v. Annapolis*

Waterfront Co., 284 Md. 383, 395 (1979).

The courts must defer to the expertise of an administrative

agency in the resolution of disputed questions of fact. *State Insurance Commissioner v. National Bureau of Casualty Underwriters*, 248 Md. 292, 299 (1967), however:

"Mistaken interpretation of law, however arrived at, are held not to be within the exercise of sound

administrative discretion and the legislative

prerogative, but to be arbitrary and illegal." *Criminal Injuries Compensation Board v. Gould*, 273 Md.

486, 521 (1975).

See also *Hammond v. Love*, 187 Md. 138, 143-44 (1946);

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forgetting that the Commissioners, in apprehensive Rezonning Ordinance, did the truck stop use in the automobile use. If this were not correct, then no need to contain in the foregoing names be amended to clarify that that and service station) does not include station service facilities."

nt legislative interpretation of a binding or controlling on the v. Barkdoll, 227 Md. 364, 369, 5 (1962) a subsequent statute are the intent of an earlier one weight in assisting a court when States v. Stafoff, 260 U.S. 477, 199, 67 L. Ed. 358, 361 (1923)."

ommissioners clearly superseded that ator and the Board of Appeals since ance by the Commissioners not only me both a definition of "truck stop" ifications in which it would be tly pointed out that the heretofore service station classification... does nd filling station service facilities."

g we hold that the contention that en permitted on this property since d from the agricultural to the com- cation fails.

herefore, upon which appellant can ve legal argument.

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appreciate the distinction between planning and zoning. In JMC Constr. Corp. v. Montgomery County, 54 Md. App. 1, 7 (1983) we said:

"It is important ... to distinguish between 'planning' and 'zoning.' The planning and zoning functions are different. As Judge Finan pointed out for the Court in Chapman v. Montgomery County, 259 Md. 641, 643 (1970):

"A 'Master Plan' is not to be confused as a substitute for a comprehensive zoning or rezoning map, nor may it be equated with it in legal significance.... The zoning as recommended or proposed in the Master Plan may well become incorporated in a comprehensive zoning map... but this will not be so until it is officially adopted and designated as such by the District Council."

Of the 1977 ordinance, the circuit court observed that: "... as a result of certain textual changes in the ordinance there were refinements of the zoning classification and the need to place these on the map in designated zones, and from the staff reports in evidence and the reasons presented there were (sic) a conscious determination to find the sites that would have been appropriate for this highway service classification, and we have a record in 1977 of the designation of other properties for that purpose, and not even by way of example it is suggested that this property would be included in that."

Here the court is saying that in 1977 the Commissioners made a thoughtful and deliberate effort based on planning reports to designate those areas where the H.S. classification could be imposed, but the subject property was not one of those chosen for that classification.

Regardless of the plan's designation of the site, the comprehensive zoning determines the uses to which it can be

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put, and necessitates a showing of change before it can be reclassified. The circuit court properly found insufficient evidence of change to warrant the rezoning.

Judgment affirmed.
Costs to be paid by appellant.

TAYLOR v. BENJAMIN

Syllabus.

PAUL B. TAYLOR v. PATRICIA VICTOR H. LAWS, Persons of the Estate of J. Williams et al.

[No. 1752, September Term, 1982, Decided October 3, 1982.]

JUDGMENTS — APPEAL — In Reviewing The Or Set Aside A Judgment, The Appellate Co The Trial Court Abused Its Discretion.

APPEAL — JURISDICTION — An Appeal D Further Proceedings In The Trial Court — T Reference To Matters Not Relating To The S The Proceeding And May Make Such One Protect And Preserve The Subject Matter Of Appeal Where the trial court ordered the ap representing the subject matter of the suit the appeal was pending, the Court held that subject matter of, or affect the proceedings, a to protect the subject matter of the appeal, ev to amend the judgment from which the app

R. J. B.

Appeal from the Circuit Court (CATHALL, J.).

Paul B. Taylor filed a motion to summary judgment requiring him certain funds held by him and to appellees. The motion was denied and appealed. The Court reversed and re the motion. While the appeal was pe ordered Taylor to turn over the fur court. On remand, after a hearing, deny Taylor's motion to modify on Taylor appeals.

Judgments affirmed. Costs to be paid by appellant.

The cause was argued before Wea J.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
County Board of Appeals
Date: October 25, 1983
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Reclassification Petition
No. R-83-120 Citicorp Financial, Inc.
S/S of Cross Campus Drive, 487' W of York Road

This 6.94-acre parcel of land, a portion of which has been used for parking for many years, is part of a 12.643-acre property owned by Citicorp Financial, Inc. The present owner took title to the office building located on the front portion of the property, as well as use of related parking to the rear, in 1977; the building formerly housed offices for the Exxon Corporation. This office building, a convalescent home, a medical office building, a building housing a restaurant and offices, a parking lot, St. Joseph's Hospital, and garden apartments about the subject tract. The petitioner is requesting a change from D.R. 16 to O-1 zoning, proposing that the entire 12.643-acre property be developed as the regional headquarters for its Mid-Atlantic Division.

Prior to the adoption of the 1980 Comprehensive Zoning Map, the property was zoned D.R. 16. During the preparation and processing of this map, the zoning of the entire property was identified as a specific issue (part of Item No. 4-61) before both the Planning Board and the County Council. The Planning Board recommended O-1 zoning here; however, the County Council adopted a combination of O-1 and D.R. 16 zoning.

On June 24, 1983, the petitioner requested exemption from the regular cyclical procedures set forth in the Baltimore County Code. On July 21, 1983, the Planning Board recommended that this request for exemption be granted. On August 1, 1983, by Resolution No. 66-83, the County Council agreed.

At the time of the preparation and processing of the 1980 Comprehensive Zoning Map, the need for student housing in proximity to the Towson State University was an on-going major concern. After the adoption of the map, however, 4 high-rise structures for student housing were constructed on a privately owned parcel of land, approximately 3 acres in size, just to the northwest of the subject site. These units have the capacity to house more than 1,600 students. Although the zoning of this tract, D.R. 16, would permit only 49 dwelling units if developed for private ownership, the site was donated to the State and leased back to the private sector for development. By this mechanism, the zoning restrictions were no longer binding. It is this office's opinion that the student housing facilities constructed here adequately meet the needs, and, thus, are no longer a major concern.

William T. Hackett, Chairman-County Board of Appeals
October 25, 1983
Page -2-

It should also be noted that the proposed expansion by Citicorp Financial, Inc. would be expected to create 950 to 1,150 additional jobs at this location. As noted by the Director of the Baltimore County Economic Development Commission, "The obvious benefits are in job creation and expansion of the tax base." New jobs created would be "within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business needs, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth and development."

It is therefore recommended that the petitioner's request for O-1 zoning be granted.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

cc: John W. Hessian, III
People's Counsel
Richard A. Reid, Esquire
John C. Hoswell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Zoning Office
Edith T. Eisenhart
FROM: County Board of Appeals
SUBJECT: County Council Resolution #66-83 - Citicorp Financial, Inc.

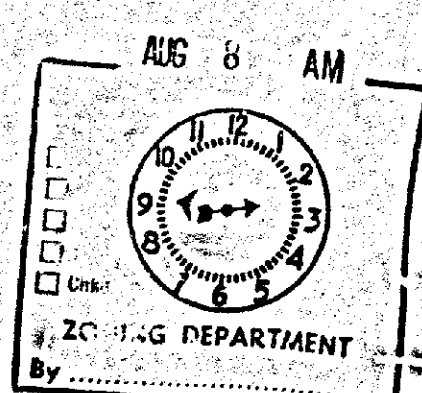
Date: August 4, 1983

Attached herewith is a copy of Resolution No. 66-83 passed by the County Council on August 1, 1983, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc. should be exempted from the regular cyclical procedure.

The Board has set Wednesday, November 2, 1983, aside for the hearing of this case, at 10 a.m. Therefore, please arrange for the advertising and posting of the property.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

cc: J. G. Hoswell
N. Commodari
Arlene January



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1983 Legislative Day No. 18

RESOLUTION NO. 66-83

Ms. Barbara Bachur, Councilwoman
By Request of County Executive

By the County Council, August 1, 1983

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical procedure of §2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1982 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by resolution dated July 21, 1983, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Citicorp Financial, Inc., owner, requesting a reclassification of the above-described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of §2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular, cycle procedures of §2-58.1.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Citicorp Financial, Inc. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with §2-58.1(i) of the Baltimore County Code.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Zoning Office
Edith T. Eisenhart
FROM: County Board of Appeals
SUBJECT: County Council Resolution #66-83 - Citicorp Financial, Inc.

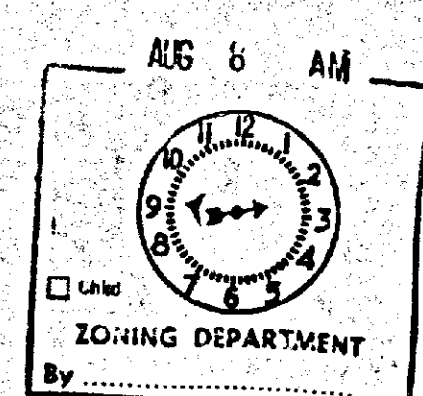
Date: August 4, 1983

Attached herewith is a copy of Resolution No. 66-83 passed by the County Council on August 1, 1983, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc. should be exempted from the regular cyclical procedure.

The Board has set Wednesday, November 2, 1983, aside for the hearing of this case, at 10 a.m. Therefore, please arrange for the advertising and posting of the property.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

cc: J. G. Hoswell
N. Commodari
Arlene January



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1983 Legislative Day No. 18

RESOLUTION NO. 66-83

Ms. Barbara Bachur, Councilwoman
By Request of County Executive

By the County Council, August 1, 1983

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical procedure of §2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1982 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by resolution dated July 21, 1983, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Citicorp Financial, Inc., owner, requesting a reclassification of the above-described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of §2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular, cycle procedures of §2-58.1.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Citicorp Financial, Inc. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with §2-58.1(i) of the Baltimore County Code.

STEPHEN E. COLLINS
DIRECTOR

July 27, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 12 -ZAC- Meeting of July 12, 1983
Property Owner: Citicorp Financial, Inc.
Location: S/S Cross Campus Drive 487' W. York Road
Existing Zoning: D.R. 16
Proposed Zoning: Reclassification for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division.

Acres: 6.94
District: 9th

Dear Mr. Hammond:

The existing D.R.16 zoning can be expected to generate 830 trips per day and the proposed O1 zoning can be expected to generate approximately 1660 trips per day.

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/cmm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

July 29, 1983
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 12, Zoning Advisory Committee Meeting of July 12, 1983

Property Owner: Citicorp Financial, Inc.

Location: S/S Cross Campus Drive District 9

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 404-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 12
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
{ } The results are valid until Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others: Prior to approval of a Building Permit, A Hydrogeological Study and an Environmental Effects Report may be required.

John J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

THE ZONING

Mr. William Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

August 22, 1983

Dear Mr. Hammond:

Comments on Item #12 Zoning Advisory Committee Meeting are as follows:

Property Owner: Citicorp Financial, Inc.
Location: S/S Cross Campus Drive 487' W. York Road
Existing Zoning: D.R. 16
Proposed Zoning: Reclassification for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division

Acres: 6.94
District: 9th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Aged and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 50' of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 1'00' of lot lines. A fire wall is required if construction is on the lot line, see Table 101, line 2, Section 1007 and Table 1002.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change is use is proposed comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Buchanan, Chief
Plans Review

CEB:rsj
PMB 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent Towson, Maryland - 21204

Date: July 18, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: July 12, 1983

RE: Item No. 12, 13, 14, 15, 16, 17, 18, 19, 20
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,
Wm. Wick Petrovich, Assistant
Department of Planning

WNP/bp

CIRCUIT COURT FOR BALTIMORE COUNTY
LAW

DOCKET 16 PAGE 117 CASE NO. 84 M 62 CATEGORY APPEAL

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF
CITICORP FINANCIAL, INC.
FOR RECLASSIFICATION FROM D.R. 16 to O-1
ON PROPERTY LOCATED ON THE SW CORNER
YORK ROAD & CROSS CAMPUS DRIVE,
9TH DISTRICT

ZONING CASE NO. R-84-120

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ATTORNEYS
Phyllis Cole Friedman
Peter Max Zimmerman
Deputy People's Counsel
Room #223, Court House (04)
494-2188
Richard A. Reid
Suite 600, 102 W. Pennsylvania Av.
(04) 623-1800

CHIEF CLERK

- (1) Feb. 15, 1984 - Pltiff's Order for Appeal from the decision of the County Board of Appeals of Baltimore County & same day Petition fd.
- (2) Feb. 15, 1984 - Certificate of Notice fd.
- (3) Feb. 21, 1984 - Transcript of Record fd.
- (4) Feb. 21, 1984 - Notice of filing of Record fd.
- (5) March 12, 1984 - App. of Richard A. Reid as attorney for the Appellee, CITICORP FINANCIAL, INC., & same day Answer to Petition on Appeal fd.
- (6) March 13, 1984 - Appellant's Memorandum fd.
- (7) Apr. 12, 1984 - Appellee's Reply Memorandum fd.
- June 21, 1984 Hon. William R. Buchanan, Sr. Hearing had. Opinion held sub-curia.
- (8) June 22, 1984 - Opinion & Order of Court that the decision of the County Board of Appeals for Baltimore County is AFFIRMED fd. (WRB)

JSC # COSTS 8462 #
L-CLERK 60.00
CHIEF CLERK 110.00
#16312 COOL 702 714:00
02/15/84

True Copy Test
ELMER H. KAHNLINE, JR., Clerk
M. Smith
Deputy Clerk

DOCKET 16 PAGE 117 CASE NO. 84-M-62

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF CITICORP FINANCIAL, INC. FOR RECLASSIFICATION FROM D.R. 16 TO O-1 ON PROPERTY LOCATED ON THE SOUTHWEST CORNER YORK ROAD AND CROSS CAMPUS DRIVE, 9TH DISTRICT

ZONING CASE NO. R-84-120

Case No. 16/117/84-M-62

OPINION

This is an appeal by the People's Counsel for Baltimore County from a decision of the County Board of Appeals of Baltimore County concerning the rezoning of property from D.R. 16 to O-1 zoning.

The parcel of land now primarily used as a parking lot is located behind a present structure that is located on the Southwest Corner of York Road and Cross Campus Drive containing some 6.94+ acres. On January 16, 1984, the County Board of Appeals ordered the reclassification of the 6.94+ acres from D.R. 16 to O-1.

On the 21st day of June, 1984, counsel for the parties were heard in open Court. The transcript of the testimony before the Board of Appeals having been reviewed along with the exhibits and memoranda filed by counsel for the parties having been considered, the Court cannot find that the Board was erroneous, arbitrary or capricious in the interpretation and finding of fact and the conclusion from those facts, nor in the application of the law to the facts, as it had before it evidence legally sufficient to support its decision. The Court finds that the issue presented is fairly debatable.

Therefore, it is this 22nd day of June, 1984, ORDERED that the decision of the County Board of Appeals for Baltimore County is AFFIRMED.

FILED JUN 22 1984

True Copy Test
ELMER H. KAHNLINE, JR., Clerk
M. Smith
Deputy Clerk
William R. Buchanan, Sr., Judge

CITICORP FINANCIAL, INC. R-84-120

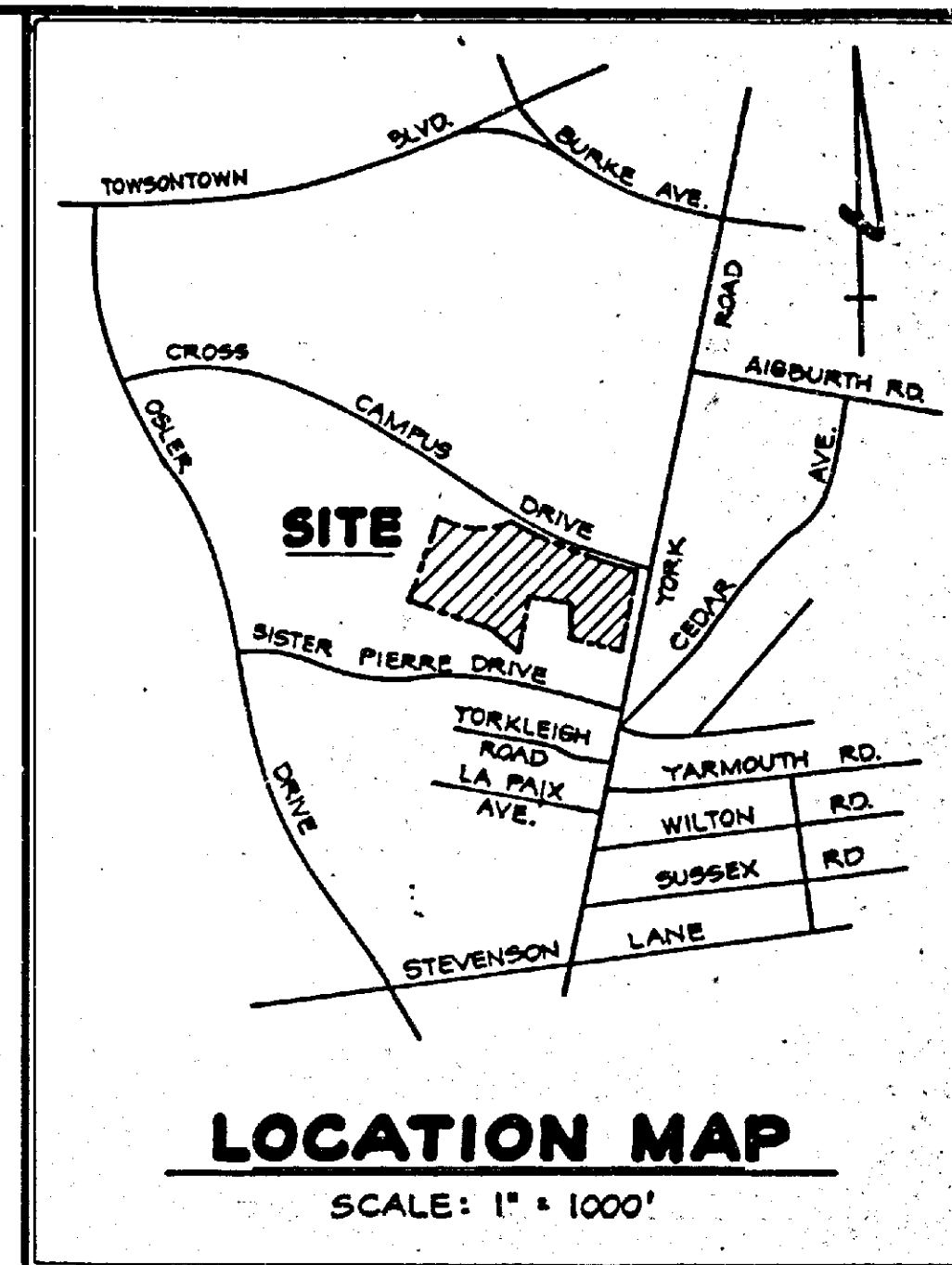
SW corner York Rd. and Cross Campus Dr. 9th District

Reclass. from D.R. 16 to O-1

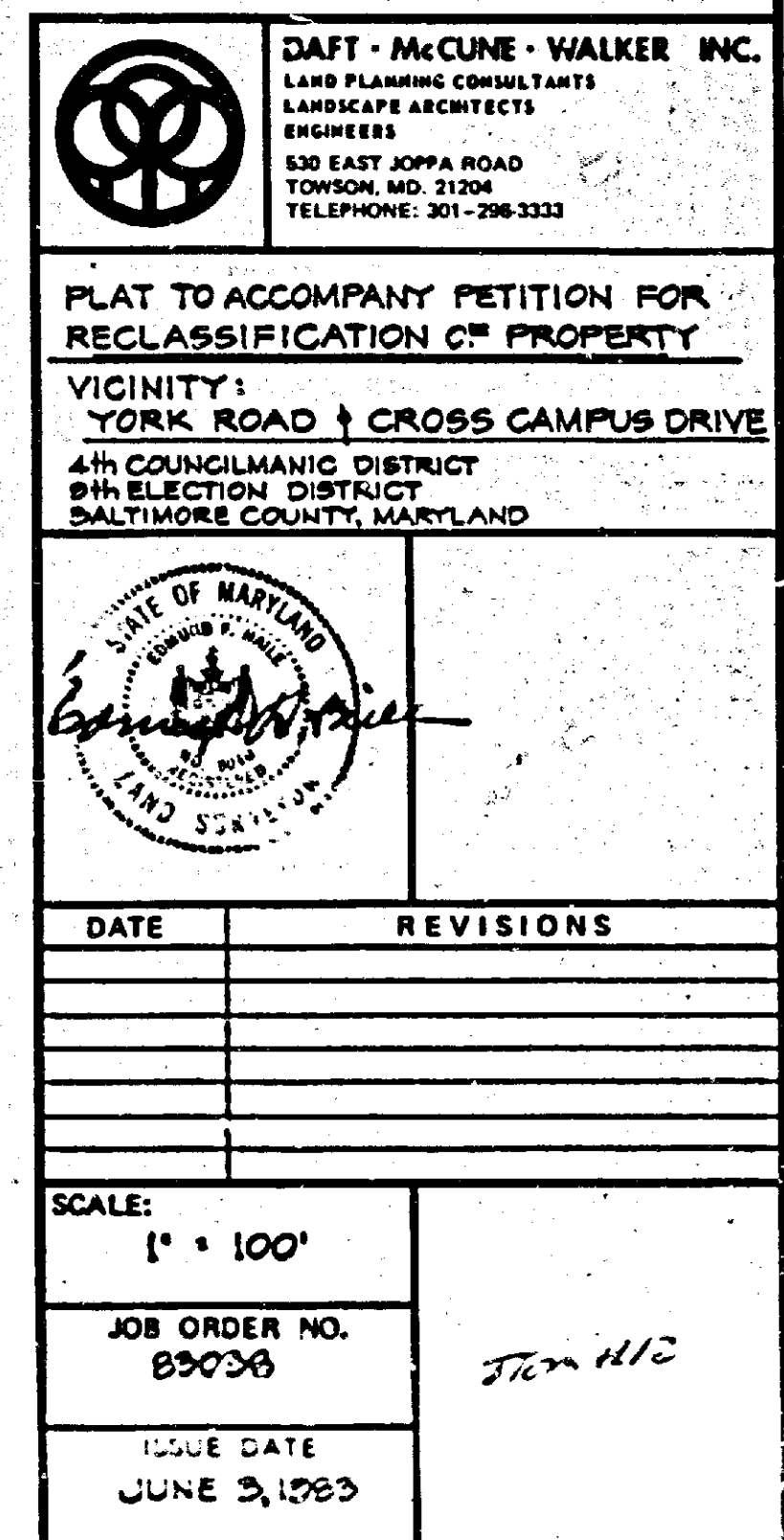
- June 24, 1983 Petition filed
- Nov. 2, " Hearing held on petition
- Jan. 15, 1984 Order of the Board ordering that the rezoning of the 6.94+ acre parcel in question be GRANTED
- Feb. 15, " Order of Appeal filed in the Cir. Ct. by Phyllis Friedman, People's Counsel
- Feb. 15, " Certificate of Notice sent out
- Feb. 21, " Record of proceedings filed in the Circuit Ct. for Balto. Cty.
- June 22 Board AFFIRMED by Judge Wm. R. Buchanan, Sr.
6/26/84 cc: A. Jablon
A. January
J. Hoswell

NOV 29 1984

Baltimore County Zoning Map
Portion of 1000 Scale Map 30



1. GROSS AREA OF SITE: 12.645 Ac.±
2. EXISTING ZONING OF SITE: O-1 & DR 1G
3. EXISTING USE - OFFICES
4. PROPOSED ZONING OF SITE - O-1
5. PROPOSED USE - OFFICES



PEOPLE'S COUNSEL FOR BALTIMORE COUNTY * IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Case No. 16/117/84-M-62

OPINION

This is an appeal by the People's Counsel for Baltimore County from a decision of the County Board of Appeals of Baltimore County concerning the rezoning of property from D.R. 16 to O-1 zoning.

The parcel of land now primarily used as a parking lot is located behind a present structure that is located on the Southwest Corner of York Road and Cross Campus Drive containing some 6.94+ acres. On January 16, 1984, the County Board of Appeals ordered the reclassification of the 6.94+ acres from D.R. 16 to O-1.

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FILED JUN 22 1984

Wm. R. Buchanan, Jr., Judge
True Copy Test
ELMER H. KAHLUNE, JR., Clerk
C. S. Suttles

COPY

ROYSTON, MUELLER, MCLEAN & REID
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

February 21, 1984

David L. Kreek, President
The Greater Towson Council of
Community Assoc.
231 Linden Avenue
Towson, Maryland 21204

Re: Petition for Rezoning by
Citicorp Financial, Inc.
Case No. R-84-120 (Item 12)

Dear Mr. Kreek:

I am the attorney for Citicorp in the above-entitled case. I have obtained copies of your letters of February 13, 1984 to People's Counsel and the Board of Appeals on behalf of The Greater Towson Council of Community Associations. Your allegations of surprise and lack of notice are astonishing. It is indeed unfortunate that you did not acquaint yourself with the facts prior to writing these letters. Such an effort on your part would have revealed that your allegations of surprise and lack of notice were groundless.

Prior to filing any request for rezoning, Citicorp met with Chairwoman Barbara Bachur, Councilwoman for the district involved, and requested that she arrange a meeting with representatives of the associations involved in order that Citicorp might advise them of its plans and obtain their reactions. Ms. Bachur kindly arranged such a meeting on May 24, 1983. Among those persons present was Carl E. Bruff, the President of your Association through December, 1983 - which association had been identified to us as the Greater Towson Community Association. At that meeting, Citicorp displayed a model of its proposed construction and explained the necessity for rezoning. It also advised that while it would file a request for reclassification by the 1984 Map, it did not feel that it could wait that long and would, therefore, probably file a Petition for Rezoning with the Board of Appeals as well. That Citicorp so advised the group was reported in the TOWSON TIMES account of that meeting in its publication of June 1, 1983. That article, a copy of which is enclosed, also described accurately Citicorp's desire to work with the community in achieving the required change in zoning classification.

Thereafter, Citicorp met with any association which expressed interest in the rezoning. Specifically, it met with numerous representatives of your association at Towson High School on June 16, 1983

where it again displayed the model and explained its plans. At each meeting, Citicorp advised that it probably would file a Petition For Rezoning as well as a request for a change under the Map. Any possible doubt about Citicorp's intentions would have been removed by my letters of June 1, 1983 to the various associations, including your association, which asked to be kept advised copies of which are enclosed. There I stated:

"Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to O-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle."

Furthermore, when Citicorp did, in fact, file its Petition For Rezoning, I sent copies of the Petition, the Plat, the Memorandum and all the documents required to be filed to those associations, including your association. Copies of those letters of June 24, 1983 are also enclosed. Accordingly, you and your association not only received every notice that the law required, but also extensive notice that the law did not require. The progress of the Petition was tracked in the MORNING SUN'S article of July 27, 1983 and August 2, 1983, copies of which are enclosed.

In addition, your reference to an appeal from the decision of the zoning Commissioner is in error. The zoning Commissioner has no jurisdiction in petitions for reclassification. Under §2-58.1 of the Baltimore County Code, Petitions for Rezoning Reclassification are heard by the Board of Appeals. You did not receive a notice of an appeal from a decision of the zoning Commissioner because there was none.

It seems to me that when a corporation enters a community and does everything possible to be a good neighbor as indicated above, it deserves something better than irresponsible allegations totally unrelated to the facts. I think you owe Citicorp an apology.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

cc: Keith S. Franz, AB
William R. Evans, AB
Patricia E. Phipps, AB
Diana K. Vincent, AB
Joanne Suder, AB
Leroy B. Spurrier, AB
Honorable Donald P. Hutchinson
Honorable Ronald B. Hickernell
Honorable James T. Smith, Jr.
Honorable Norman W. Lauenstein
Honorable John W. O'Rourke
Honorable Clarence Long

Honorable Thomas B. Kernan
Honorable P. Vernon Booser
Honorable Gary Ruddles
Honorable Barbara P. Bachur
Honorable Eugene W. Gallagher
Honorable Donald K. Hughes
Honorable Martha Klima
Phyllis C. Friedman, People's Counsel
Norman E. Gerber, Office of Planning
and Zoning
B. Malvin Cole, Administrative
Officer
Thomas Torporovich, Council Secretary
Hoke Smith, President, TSU

5-Year Expansion Would Triple Facility

Citicorp Seeks Expansion

By Michael Rube
Officials for Citicorp Financial Inc. hope to triple the size of their Towson office headquarters located at York Road and Cross Campus Boulevard over the next five years. But first they want the okay from surrounding neighborhood associations.

If the community agrees to support the project, which requires a zoning change, the complex will grow by 200,000 square feet of office space and increase its workforce from the present 650 employees to nearly 1,800.

The \$25 million project, designed by architect Mark Beck & Associates, would add a four-story, 60,000 square foot addition to the current building immediately and two three-story structures directly behind the Citicorp offices later.

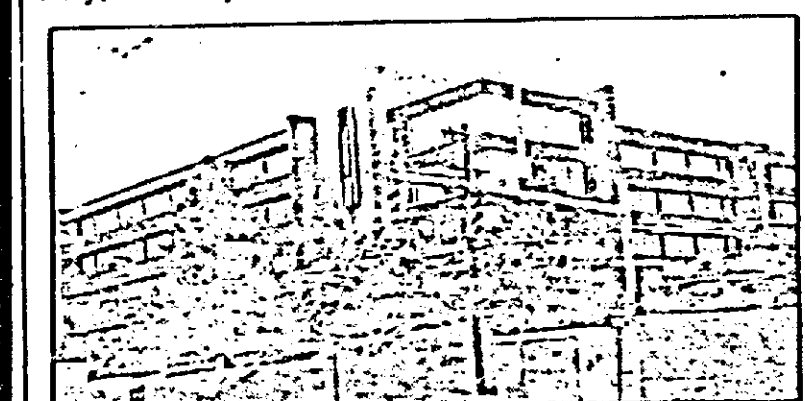
Citicorp Financial, Inc. (CFI) officials recently purchased the 2.5-acre site adjacent to the property's western boundary, but must change its present zoning from D.R. 16, which restricts only apartment dwellings, to O-1, which would allow the low rise office buildings.

Before beginning construction on the additional wing, which could be permitted under a special exception, CFI President Ron Geesey wants local civic leaders to approve the entire package and not oppose any upgraded zoning request.

"We need to understand what we can do to that site," Geesey last week told representatives from three community associations in a meeting with Councilwoman Barbara F. Bachur.

"To do the first step means we need to triple the size of the building," he said. "The new Maryland state banking laws, which go into effect July 1, permit the 'money' owner of the Choice credit card, to expand its services into the mortgage field. Plus, the financial giant hopes to jump into the interstate banking industry after Congress approves pending legislation."

"Our ability to expand in the state of Maryland is a function of how fast Congress passes the creation of interstate banking," said Geesey. "If it happens quickly, we will need the extra space soon."



"In communities where you have a corporate headquarters that takes pride in their image like Citicorp, there is a tremendous positive impact on that community in general."

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Citicorp Financial, Inc. (CFI) officials recently purchased the 2.5-acre site adjacent to the property's western boundary, but must change its present zoning from D.R. 16, which restricts only apartment dwellings, to O-1, which would allow the low rise office buildings.

Before beginning construction on the additional wing, which could be permitted under a special exception, CFI President Ron Geesey wants local civic leaders to approve the entire package and not oppose any upgraded zoning request.

"We need to understand what we can do to that site," Geesey last week told representatives from three community associations in a meeting with Councilwoman Barbara F. Bachur.

"To do the first step means we need to triple the size of the building," he said. "The new Maryland state banking laws, which go into effect July 1, permit the 'money' owner of the Choice credit card, to expand its services into the mortgage field. Plus, the financial giant hopes to jump into the interstate banking industry after Congress approves pending legislation."

"Our ability to expand in the state of Maryland is a function of how fast Congress passes the creation of interstate banking," said Geesey. "If it happens quickly, we will need the extra space soon."

only be enough to last until late 1984," said Geesey.

Construction must begin now if CFI is to meet its future office needs, he says. However, the additional wing will not be built unless the zoning change permitting the two other structures is obtained.

"The dilemma that Citicorp faces is whether to commit the money to build the addition before there is any assurance of getting the O-1 zoning for the whole plot," said Richard A. Reid, the attorney representing the company.

According to the CFI lawyer, the alternatives available for rezoning the property upgrading include placing the request as an issue during the County Council's comprehensive map review process, which has already begun but will not be completed until October 1984.

Citicorp has filed the necessary papers with the County's Office of Planning and Zoning for inclusion in the once-every-four-years comprehensive study. Yet the public procedure may not be fast enough to satisfy the company's space requirements.

"We would like to have the timing work out with the upcoming map review but the agency may be such that we are forced to go to the Board of Appeals seeking an earlier judgement," said Reid.

A rezoning application may be sought through the board but any time advantage could be lost if the surrounding community associations fought the proposal and appealed a ruling in Citicorp's favor to the Circuit Court.

So the CFI officials are presenting their plans to the various neighborhood groups in hopes of gaining their approval.

"If we can get the zoning from the Board of Appeals without an appeal, that would be the best of all possible worlds," said Reid.

The attorney pointed out that the property previously had been zoned for the desired construction but while the zoning, has stayed the same, the type of construction allowed under the classification was recently revised.

"The zoning did not change but the zoning rules did," said Reid, making his case to the community representatives. "All this could have been done by a special exception request

up to 1980 under the D.R.16 zoning."

That argument, probably would be viewed favorably by anyone asked to grant the rezoning but CFI officials hope the local residents will support the project for its benefits to the area.

"A corporation like this wants to be a good neighbor," said Reid. "The last thing they want to do is move into a community and cause trouble."

Architect Mark Beck emphasized the partnership created between a corporation and a community. "In communities where you have a corporate headquarters that takes pride in their image like Citicorp, there is a tremendous positive impact on that community in general," he said.

"It's more than just jobs and a good looking building. There is a common interest shared by the two."

Keeping the facility attractive is a high priority for CFI, according to Senior Vice President Joseph Day. "We will be coordinating the exteriors of all the buildings and designing the multi-level parking to be below the building line," he said.

"Trees and landscaping will be planted along side Cross Campus Boulevard to keep it green."

The main concern expressed by the local leaders at last week's meeting was the impact on local roadways by the increased traffic from the larger number of office workers. Citicorp officials said that even now they try to minimize any congestion by staggering employees' quitting times half an hour.

A member of the County's Department of Traffic Engineering also will be reviewing the matter and reporting back to Councilwoman Bachur.

The Fourth District Council member, while withholding her final judgment on the office expansion, praised its economic benefits to Towson. "I see the project as being very favorable to the area from a business perspective," she said.

"I can see the project next year (during the map review process) in a favorable way."

The representatives from the three community associations offered reasoned comment on the project and they could discuss the proposal at their June board of directors meetings.

June 1, 1983

Charles H. Slike, President
Towson Manor Associates
7901 York Road
Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Mr. Slike:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to O-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to O-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

cc: Malcolm L. Jacobson, Vice President
C. Keith McLendon, Assistant Corporate Counsel
William Fred Walker, IV, President
Mr. Mark Beck

June 1, 1983

Mr. Carl E. Bruff
Greater Towson Community Association
15 Hillside Avenue
Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Mr. Bruff:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to O-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to O-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

cc: Malcolm L. Jacobson, Vice President
C. Keith McLendon, Assistant Corporate Counsel
William Fred Walker, IV, President
Mr. Mark Beck

June 1, 1983

Mr. George L. Hester
Wiltondale Improvement Association, Inc.
515 Wilton Road
Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Mr. Hester:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to O-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to O-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

cc: Malcolm L. Jacobson, Vice President
C. Keith McLendon, Assistant Corporate Counsel
William Fred Walker, IV, President
Mr. Mark Beck

June 1, 1983

Ms. Susan Behm
Wiltondale Improvement Association, Inc.
12 Kintree Road
Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Ms. Behm:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to O-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to O-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

cc: Malcolm L. Jacobson, Vice President
C. Keith McLendon, Assistant Corporate Counsel
William Fred Walker, IV, President
Mr. Mark Beck

June 1, 1983

Mr. J. W. Trammell
Wiltontdale Improvement Association, Inc.
606 Yarmouth Road
Towson, Maryland 21204

Re: Citicorp Financial, Inc.

Dear Mr. Trammell:

Enclosed is a copy of the memorandum which I submitted in support of Citicorp's request to the Planning Staff of Baltimore County to have the rear of its property rezoned from D.R.-16 to O-1 on the map to be adopted by the Baltimore County Council in the fall of 1984. Because of the urgency of the need to expand, Citicorp may not be able to wait that long for assurance that it will be able to accommodate its expansion plans to the site. Accordingly, it will probably file a petition with the Board of Appeals for a change of zoning from D.R.-16 to O-1 and request approval of the Planning Board and County Council to permit it to be considered out of the normal cycle.

If there is any additional information you require, please call C. Keith McLendon, Assistant Corporate Counsel for Citicorp at 337-2700, or myself.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

cc: Malcolm L. Jacobson, Vice President
C. Keith McLendon, Assistant Corporate Counsel
William Fred Walker, IV, President
Mr. Mark Beck

June 24, 1983

Mr. Carl E. Bruff
Greater Towson Community Association
15 Hillside Avenue
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for Reclassification

Dear Mr. Bruff:

As per your request, I enclose herewith copies of the following documents relating to the above-referenced Petition:

1. Petition for Reclassification.
2. Memorandum in support thereof with addendum summarizing the change in the financial laws as they apply to institutions in the State of Maryland.
3. Zoning Plat.
4. Zoning Description.
5. 1,000 scale Zoning Map with subject property outlined.
6. 200 scale Zoning Map with subject property outlined.

7. Letter to the Planning Board requesting that the moratorium on filing petitions be lifted and that subject petition be considered outside of any cycle requirements.

8. Memorandum in support of No. 7 above.

If there is additional information you require, please contact me and I will do my best to see that it is furnished to you.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosures

cc: C. Keith McLendon, Assistant Corporate Counsel

June 24, 1983

Charles H. Slike, President
Towson Manor Associates
7901 York Road
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for Reclassification

Dear Mr. Slike:

For your information, I enclose herewith copies of the following documents relating to the above-referenced Petition:

1. Petition for Reclassification.
2. Memorandum in support thereof with addendum summarizing the change in the financial laws as they apply to institutions in the State of Maryland.
3. Zoning Plat.
4. Zoning Description.
5. 1,000 scale Zoning Map with subject property outlined.
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8. Memorandum in support of No. 7 above.

If there is additional information you require, please contact me and I will do my best to see that it is furnished to you.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosures

June 24, 1983

Ms. Susan Behm
Wiltontdale Improvement Association, Inc.
12 Aintree Road
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for Reclassification

Dear Ms. Behm:

For your information, I enclose herewith copies of the following documents relating to the above-referenced Petition:

1. Petition for Reclassification.
2. Memorandum in support thereof with addendum summarizing the change in the financial laws as they apply to institutions in the State of Maryland.
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8. Memorandum in support of No. 7 above.

If there is additional information you require, please contact me and I will do my best to see that it is furnished to you.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosures
cc: Mr. George L. Hester
Mr. J. W. Trammell
both w/enclosures

June 24, 1983

Leslie H. Graef, Executive Director
Towson Development Corporation
102 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for Reclassification

Dear Les:

For your information, I enclose herewith copies of the following documents relating to the above-referenced Petition:

1. Petition for Reclassification.
2. Memorandum in support thereof with addendum summarizing the change in the financial laws as they apply to institutions in the State of Maryland.
3. Zoning Plat.
4. Zoning Description.
5. 1,000 scale Zoning Map with subject property outlined.
6. 200 scale Zoning Map with subject property outlined.
7. Letter to the Planning Board requesting that the moratorium on filing petitions be lifted and that subject petition be considered outside of any cycle requirements.
8. Memorandum in support of No. 7 above.

If there is additional information you require, please contact me and I will do my best to see that it is furnished to you.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosures

Citicorp wants rezoning for growth

By Richard H. P. Sta
7700 York Road
Towson, Md. 21204

The company plans to begin construction of a new 1.5 million-sq-ft office building at the end of the year at the site of its existing 1.2 million-sq-ft building at the intersection of York Road and Pennsylvania Avenue. The new building is expected to be completed by the end of 1985. The company is currently in the process of securing the necessary zoning changes for the new building. The company is currently in the process of securing the necessary zoning changes for the new building. The company is currently in the process of securing the necessary zoning changes for the new building.

THE MORNING SUN

WEDNESDAY
JULY 27, 1983

County Council backs Citicorp rezoning request

By Richard H. P. Sta
7700 York Road
Towson, Md. 21204

The Baltimore County Council today approved a rezoning petition from Citicorp Financial Inc. to allow the company to build a new 1.5 million-sq-ft office building at the intersection of York Road and Pennsylvania Avenue. The council's decision was a 12-1 vote. The rezoning would change the area from D.R.-16 to O-1. The council's decision was a 12-1 vote. The rezoning would change the area from D.R.-16 to O-1. The council's decision was a 12-1 vote. The rezoning would change the area from D.R.-16 to O-1.

THE MORNING SUN
TUESDAY, AUGUST 2, 1983

The Baltimore County Council today approved a rezoning petition from Citicorp Financial Inc. to allow the company to build a new 1.5 million-sq-ft office building at the intersection of York Road and Pennsylvania Avenue. The council's decision was a 12-1 vote. The rezoning would change the area from D.R.-16 to O-1. The council's decision was a 12-1 vote. The rezoning would change the area from D.R.-16 to O-1.

IN THE MATTER OF
THE APPLICATION OF
CITICORP FINANCIAL, INC.
FOR RECLASSIFICATION FROM
D.R. 16 to O-1
On Property Located on the
Southwest corner York Rd. and
Cross Campus Drive
9th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Phyllis Friedman, People's Counsel
for Baltimore County, Appellant

Misc. Doc. No. 16
Folio No. 117
File No. 84-M-62

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Keith S. Franz and Diana K. Vincent,
constituting the County Board of Appeals of Baltimore County, and in answer to the Order
for Appeal directed against them in this case, herewith return the record of proceedings
had in the above entitled matter, consisting of the following certified copies or original
papers on file in the office of the Board of Appeals of Baltimore County:

ENTRIES FROM DOCKET OF BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-84-120

June 24, 1983 Petition of Citicorp Financial, Inc., for zoning reclassification
from a D.R. 16 zone to an O-1 zone, on property located on the
southwest corner of York Rd. and Cross Campus Drive.

Order of William T. Hackett, Chairman, County Board of Appeals,
directing advertisement and posting of property - date of hearing
set for November 2, 1983, at 10 a.m.

October 9, 1983 Certificate of posting of property - filed

October 12, 1983 Certificate of Publication in Newspaper - filed

October 25, 1983 Comments of Baltimore County Zoning Plans Advisory Committee

November 2, 1983 At 10 a.m. hearing held on petition

January 16, 1984 Order of County Board of Appeals ordering that the rezoning of the
6.94+ acre parcel in question from D.R. 16 to O-1 zoning be
GRANTED.

Citicorp Financial, Inc.
Case No. R-84-120

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice
has been mailed to Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204,
Counsel for Petitioner; C. Keith McLendon, Asst. Corporate Counsel, Citicorp
Financial, Inc., 7720 York Road, Towson, Md. 21204, Petitioner; Phyllis Friedman,
Court House, Towson, Md. 21204, People's Counsel for Baltimore County; Malcolm F.
Spicer, Jr., Court House, Towson, Md. 21204, County Attorney for Baltimore County;
The Hon. Donald P. Hutchinson, Court House, Towson, Md. 21204, County Executive
for Baltimore County; and B. Melvin Cole, Court House, Towson, Md. 21204, County
Administrative Officer for Baltimore County, on this 15th day of February, 1984.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

Citicorp Financial, Inc.
Case No. R-84-120

February 15, 1984 Order for Appeal filed in the Circuit Ct. for Baltimore County
by Phyllis Friedman, People's Counsel for Baltimore County

February 15, 1984 Certificate of Notice sent to all interested parties

February 15, 1984 Petition to accompany Order for Appeal filed in the Circuit Ct.
for Baltimore County

February 21, 1984 Transcript of testimony filed

Petitioner's Exhibit No. 1 - Receipt for filing

" " " 2 - Receipt for advertising

" " " 3 - Zoning Plat

" " " 4 - Zoning Description

" " " 5 - Alternate zoning description

" " " 6 - Resolution of Planning Board

" " " 7 - Minutes of County Council

" " " 8 - As-Built Site Plan

" " " 9 - Zoning Plat 3-C

" " " 10 - 200 Scale zoning plat

" " " 10A - 200 Scale zoning plat with site

" " " 11 - Zoning Plans Advisory Committee
Report

" " " 12 - Report of Director of Plan. & Zoning

" " " 13 - Preliminary Staff Recommendations
1984 Comprehensive Zoning Map
4th District

" " " 14 - Aerial Photograph dated 4/8/82

" " " 15 - Aerial Photograph

" " " 16 - Model (photos, A, B, C, D)

" " " 17 - Memorandum

" " " 18 - Traffic report

" " " 19 - Boundary & Topographic study of site
with Geo. Gavrelis's markings

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 15, 1984

Phyllis Cole Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Dear Mrs. Friedman: Re: Case No. R-84-120
Citicorp Financial, Inc.

In accordance with Rule 8-7 (a) of the Rules of Procedure of
the Court of Appeals of Maryland, the County Board of Appeals is required
to submit the record of proceedings of the zoning appeal which you have
taken to the Circuit Court for Baltimore County in the above matter within
thirty days.

The cost of the transcript of the record must be paid by you.
Certified copies of any other documents necessary for the completion of
the record must also be at your expense.

The cost of the transcript, plus any other documents, must be
paid in time to transmit the same to the Circuit Court not later than thirty
days from the date of any petition you might file in court, in accordance
with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice
covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen
June Holmen, Secretary

Encls.
cc:

Citicorp Financial, Inc.
Case No. R-84-120

People's Counsel's Exhibit No. 1 - Photos of site (1A to 1L)

" " " 2 - Cover sheet and page 6 of
1980 Comp. Zoning Map Issues

" " " 3 - Cover sheet and page 2 of
County Council's Summary of
Issues.

" " " 4 - County Council's minutes, 10/14/80

" " " 5 - County Council Minutes, 6/13/80

" " " 6 - Transcript of Cty. Council hearing,
9/3/80

" " " 7 - Towson Center Plan adopted by
County Council, April, 1978

February 21, 1984 Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered
and said Board acted are permanent records of the Board of Appeals of Baltimore County,
and your respondents respectively suggest that it would be inconvenient and inappropriate to
file the same in this proceeding, but your respondents will produce any and all such rules
and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals of Baltimore
County

cc: Richard A. Reid, Esq.
C. Keith McLendon, Esq.
Phyllis Friedman
M. F. Spicer, Jr., Esq.

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 15, 1984

Richard A. Reid, Esq.
102 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. Reid: Re: Case No. R-84-120
Citicorp Financial, Inc.

Notice is hereby given, in accordance with the Rules
of Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the decision
of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: C. Keith McLendon, Citicorp Financial, Inc.
Hon. Donald P. Hutchinson
B. Melvin Cole
M. F. Spicer, Jr., Esq.
A. Jablon
J. Jung
J. Dyer
N. Gerber
J. Howell
B. Keman

IN THE MATTER OF
THE APPLICATION OF
CITICORP FINANCIAL, INC.
FOR RECLASSIFICATION FROM
D.R. 16 to O-1
On Property Located on the
Southwest corner York Road and
Cross Campus Drive
9th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Phyllis Friedman, People's Counsel
for Baltimore County, Appellant

Misc. Doc. No. 16
Folio No. 117
File No. 84-M-62

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of
Procedure, William T. Hackett, Keith S. Franz and Diana K. Vincent, constituting
the County Board of Appeals of Baltimore County, have given notice by mail of the filing
of the appeal to the representative of every party to the proceeding before it; namely,
Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for
Petitioner; C. Keith McLendon, Asst. Corporate Counsel, Citicorp Financial, Inc.,
7720 York Rd., Towson, Md. 21204, Petitioner; Phyllis Friedman, Court House, Towson,
Md. 21204, People's Counsel for Baltimore County; Malcolm F. Spicer, Jr., Court House,
Towson, Md. 21204, County Attorney for Baltimore County; The Hon. Donald P.
Hutchinson, Court House, Towson, Md. 21204, County Executive for Baltimore County;
and B. Melvin Cole, Court House, Towson, Md. 21204, County Administrative Officer
for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be
made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

IN THE MATTER OF
THE APPLICATION OF
CITICORP FINANCIAL, INC.
FOR RECLASSIFICATION FROM
D.R. 16 to O-1
On Property Located on the
SW Corner York Rd. and
Cross Campus Drive,
9th District

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

Misc. Docket No. 16
Folio No. 117
File No. 84-M-62

Zoning Case No. R-84-120

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County
from the Opinion and Order of the County Board of Appeals of Baltimore
County, under date of January 16, 1984, granting a zoning reclassification
from D.R. 16 to O-1 in the above-captioned matter.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 221, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 15th day of February, 1984, a copy of
the foregoing Notice of Appeal was served on the Administrative Secretary
of the County Board of Appeals of Baltimore County, Room 200, Court House,
Towson, MD 21204, prior to the presentation of the original to the Clerk
of the Circuit Court for Baltimore County; and that a copy thereof was
mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD
21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

Received:
Edith T. Eisenhart
Edith T. Eisenhart Date
Administrative Secretary
Board of Appeals of Baltimore County

PETITION ON APPEAL

Phyllis Cole Friedman

OPINION

and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Baltimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

STATEMENT OF FACTS

The subject Rear Parcel (6.94 acres) has been used in conjunction with the York Road Parcel (5.70 acres) at the corner of York Road and Cross Campus Drive for offices for over 27 years. Shortly after 1956, the Exxon Building was constructed on the York Road Parcel for which parking was provided on subject Rear Parcel. In 1977, CFI purchased the York Road Parcel and the 120,000 square feet office building from Exxon with a right to continue to use subject Rear Parcel for parking. It purchased subject Rear Parcel in 1983.

In 1980, the Baltimore County Council enacted legislation which created office zones and eliminated offices as a special exception use in D.R.-16 zones. When the comprehensive zoning maps were adopted that same year, the York Road Parcel was zoned O-1, but subject Rear Parcel was continued in a D.R.-16 category.^{1/} This had the effect of removing office zoning which had existed for over 27 years from subject Rear Parcel.

The zoning map of 1955 zoned subject Rear Parcel R.A., which permitted offices and elevator office buildings by special exception. In 1956, 5 acres of such parcel were rezoned B.M. by petition with a special exception for an inn; B.M. included offices as a permitted use.^{2/} In 1971 and 1976, such parcel was zoned D.R.-16, which again permitted offices

^{1/} Actually, a small portion of subject was zoned O-1.

^{2/} In 1957, a use permit for parking on 2.2 acres adjoining the B.M. tract was granted in conjunction with office use of the adjoining parcel by Exxon.

by special exception. In 1980, the D.R.-16 classification was continued, but the zoning regulations were amended so that offices were no longer permitted in a D.R.-16 zone. Office use since 1980 has been restricted to the O-zones, Business Zones and Manufacturing Zones.

ARGUMENT

I.

ERROR AND CHANGE

At the outset, it should be noted that error within the context of the zoning law of Maryland does not necessarily imply a culpable wrong by the legislative body adopting a comprehensive zoning map. It often, as here, means simply that if the legislative body knew at the time of adoption what it knows now, it probably would have acted differently.

In adopting the comprehensive zoning maps in 1980, the County Council evidently felt that whatever expansion would be required by CFI could be accomplished on the York Road Parcel zoned O-1 with parking on the Rear Parcel zoned D.R.-16. This premise has proven incorrect for two reasons: the requirements for expansion by CFI are greater than anticipated because of dramatic changes in the laws relating to financial institutions; the ability of CFI to expand in the existing O1 zone is less than anticipated because of floor area ratio constraints.

In 1980, when the existing comprehensive zoning maps were adopted, the climate in Maryland for financial institutions, especially those operating on an interstate basis, was not favorable. Maryland's laws forced several banks to move their credit card operations out of the State. It was rather improbable to think that any major financial institution such as CFI would maintain a significant credit card operation in the state, certainly not a regional headquarters therefor.

Since 1980, however, the picture has changed dramatically. Recently enacted laws summarized in the addendum hereto have made Maryland attractive once again to the financial industry. While there may have been little reason in 1980 to anticipate substantial growth of CFI, there is now a great need and demand for it to expand its existing facility. Such expansion will necessarily have to take place on the York Road Parcel zoned O-1 and on subject Rear Parcel zoned D.R.-16. The change in zoning of subject Rear Parcel from D.R.-16 to O-1 is necessary not only to provide buildings for offices on subject tract, but also to provide sufficient area to meet the floor area ratio requirements for the York Road Parcel which, without such additional land, would be limited to 17,800 square feet of expansion. CFI requires 230,000 additional square feet, 80,000 of which will be on the York Road Parcel already zoned O-1.

It is submitted that the County Council probably did not realize the floor area ratio restrictions that O-1 zoning on the York Road Parcel would have on the ability of CFI to expand. Office zones, O-1 and O-2, were established by the County Council in September of 1980 to be effective with the adoption of the new comprehensive zoning maps in October of the same year. The short time span did not allow for a comprehensive analysis of the effect of application of O-1 zoning on particular tracts such as CFI's. Analysis now affirms that O-1 zoning permits no meaningful expansion of currently existing office space.

The foregoing demonstrates both error in the 1980 map and change in condition since the map. To the extent that the County failed to anticipate the needs of CFI to expand, and to assume that all needed expansion could take place on the York

Road Parcel (zoned O-1) with parking on subject Rear Parcel (zoned D.R.-16), constituted error. To the extent that the need for expansion beyond the York Road Parcel (zoned O-1) has developed as a result of change in conditions for financial institutions in Maryland, it constitutes a change. Both, or either, would justify rezoning herein. The situation here is similar to re-zoning based upon the emergence of a general need for a particular zone in a particular location since adoption of comprehensive maps. In Rohde v. County Board, 234 Md. 259 (1964), the court said at pages 267-268:

"* * * the applicant produced considerable expert testimony to show that either as a result of lack of anticipation of trends of development in 1955, or as a result of changes in trend which have occurred since then, whether anticipated or not, the existing zoning was in error at the time of the hearing. The trend has been towards apartments and, particularly in areas close to the City of Baltimore, towards high rise apartments. The need and demand for such rental accommodations have increased greatly over the last several years, and the subject property is described as a prime site for apartment development, including high rise apartments. * * *

To the same effect, see Pressman v. Mayor and City Council of Baltimore, 222 Md. 330 (1969) - failure to anticipate trend toward shopping centers and zone land of sufficient size therefor; Bosley v. Hospital, 246 Md. 197 (1967) - increase in housing units and concurrent growth of population in neighborhood sufficient to justify need for additional commercial zoning; accord: Finney v. Halle, 241 Md. 225 (1966) - failure to anticipate need for high rise apartments).

There can be little doubt that if the County Council knew in 1980 that it was necessary to zone subject Rear Parcel O-1 in order to accommodate CFI's need for expansion and permit it to retain its regional headquarters here in Baltimore County with the attendant benefits to Baltimore County in the form of jobs, taxes, etc., it would have done so.

II.

OTHER ERROR

O-1 zoning was applied to the York Road Parcel with the intention that expansion could occur by utilizing existing or increased parking by use permit on subject Rear Parcel zoned D.R.-16. Office zoning passed September 2, 1980 became effective with new Comprehensive Zoning Maps adopted in October of 1980. The short time span, a little over one month, wherein a final O-1 zone, together with developmental standards was officially established did not enable comprehensive analysis of the CFI property to determine whether or not reasonable expansion could, indeed, take place on the area zoned O-1, the York Road Parcel.

Since the original Exxon office building was constructed in the 1950's and certainly by the time that building was expanded in the mid 1960's, the total site (the York Road Parcel and the Rear Parcel) has been utilized as a unified whole for office use. Office building use on the York Road Parcel was supported by parking on the Rear Parcel. Grading undertaken to provide the parking component for the existing office building further relates the Rear Parcel physically to the York Road Parcel and the existing office building and separates it from the existing buildings in the Valley View Apartment Development. Further, the only access to the component parking on the Rear Parcel is by means of the driveway into the York Road Parcel.

Comprehensive analysis of the then existing use and development of the total site would have identified that the Rear Parcel - graded and utilized for parking, indeed was an integral and component element of the office building existing on the York Road Parcel. Comprehensive analysis would also

have led to a determination that O-1 zoning on the overall tract was the only zone which accurately reflected its existing use and future potential.

Quite aside from the use of subject Rear Parcel, it was error not to zone it O-1 because it is related physically to the O-1 zone adjoining to the east and not to the D.R.-16 zone adjoining to the west. The York Road Parcel and the Rear Parcel have been graded to form an interior plateau which is significantly higher than and divorced from the existing apartment buildings on its westerly boundary (or even Saint Joseph's Hospital to the south) and lower than existing apartment buildings along the northwest boundary. The division between the O-1 zone and the D.R.-16 zone should have been the man made boundary established by the grade change and not an arbitrary line drawn through two integrally related parcels - the York Road Parcel owned by CFI and the Rear Parcel leased by CFI for parking, which together constituted a unified use of the whole tract. Good zoning seeks to adopt natural or man made boundaries between zones. Pahl v. County Board of Appeals, 237 Md. 294 (1965); 82 Am. Jur. 2d, Zoning and Planning, §79, and avoids dividing a single lot into two zones by arbitrary lines (cf. 82 Am. Jur. 2d, Zoning and Planning, §84).

III.

OTHER CHANGE

Serious traffic conditions at the York Road and Burke Avenue intersection, existing at the time of the adoption of the 1980 zoning maps, inhibited land use decisions. The intersection of York Road and Burke Avenue was inadequate and had been at or near failing conditions for a long period of time. The Services Maps in effect in 1980 designated this intersection as "F" and allocated no traffic capacity for

development within its comutershed or impact area. The subject property fell within that impact area.

Since then, plans have been made, rights of way acquired and construction is now underway to correct that traffic deficiency. Completion is expected with certainty by the fall of this year. Enhanced capacity at the intersection resulting from the improvements will remove traffic constraints and change the basic services limitations imposed on development of the CFI property.

CONCLUSION

For the foregoing reasons, CFI's petition to rezone a portion of its property (the Rear Parcel) from D.R.-16 to O-1 should be granted.

Respectfully submitted,

Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800

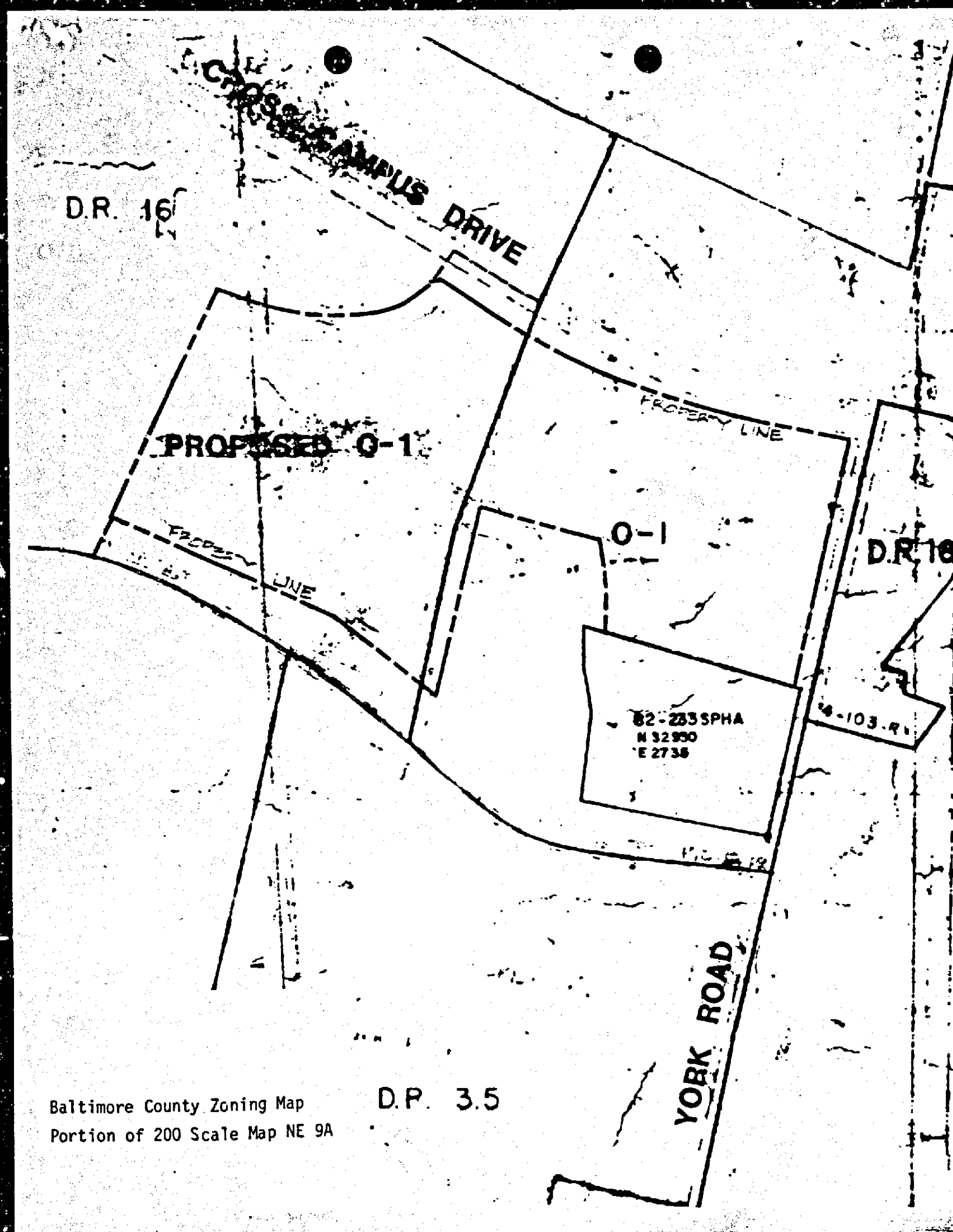
Attorney for Petitioner

ADDENDUM OF CITICORP IN SUPPORT OF ITS PETITION FOR REZONING

SUMMARY OF THE CHANGING LEGAL ENVIRONMENT IN MARYLAND FOR FINANCIAL INSTITUTIONS

Citicorp Financial, Inc. (CFI), located at 7720 York Road in Towson, Maryland, is a wholly owned subsidiary of Citicorp. New York based Citicorp is what is known as a bank holding company, that is, a corporation organized to hold and own the stock of banking entities and related businesses. CFI is a lender and financier licensed under the appropriate laws of the State of Maryland.

Beginning in the late 1970's, the monetary and financial climate of the nation experienced an exception upheaval. Interest rates skyrocketed to unprecedented levels. Costs of goods and services surged upwards. Unfortunately, most state governments, including Maryland, were slow to react to these forces. Laws regulating finance and credit, which had served well for many years, simply did not keep pace with market realities. When a few states (notably Delaware) became among the first to undertake a comprehensive redrafting of their credit laws, several large Maryland financial institutions fled to Delaware to take advantage of these laws, taking with them many jobs and much cash flow. CFI, however, chose to stay in Towson and work to change Maryland law. Consequently, due in part to CFI's efforts and other interested citizens, in the period between 1980 and the present, Maryland laws which directly affect CFI's business have changed drastically. Legislation passed in 1982 (House Bill 1853) and 1983 (Senate Bill 591) paved the way for a vast array of new business possibilities. These new laws have greatly expanded CFI's



DAFT-MCUNE-WALKER, INC.

530 East Joppa Road
Towson, MD 21204
Telephone 301-298-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION
6.94 Acre Parcel
Cross Campus Drive Near York Road
Ninth Election District
Baltimore County, Maryland

BEGINNING for the same at the intersection of the zoning line which divides the O-1 and D.R. 16 zones and the South side of Cross Campus Drive, said point being located 487 feet more or less as measured along the South side of Cross Campus Drive from a fillet connecting said South side of Cross Campus Drive and the West side of York Road, thence leaving said zoning line and running with and binding on said South side of Cross Campus Drive and also on part of the seventh and the eighth lines of the outline of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Baltimore County in Liber E.H.K., 5832 folio 363 (1) Northwest by a curve to the right with the radius of 1,299.33 feet and the length of 95 feet more or less, (2) North 55 degrees 29 minutes 07 seconds West 83.67 feet, thence leaving said South side of Cross Campus Drive and running and binding on the ninth, tenth, eleventh, twelfth, first and part of the second lines of said aforementioned outline, (3) Southwesterly by a curve to the left with the radius of 150.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds West 21.21 feet, (4) Southwesterly by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being South 58 degrees 30 minutes 53 seconds West 105.75 feet, (5) Northwesterly by a line curving to the right with the radius of 500.00 feet, the length of 291.32 feet, the chord of said curve being North 81 degrees 44 minutes 20 seconds West 287.66 feet, (6) South 24 degrees 38 minutes 30 seconds West 445.92 feet, (7) South 65 degrees 21 minutes 30 seconds East 85.65 feet and (8) South 52 degrees 15 minutes 00 seconds East 170 feet more or less to a point on said aforementioned zoning line thence binding thereon (9) Northeastly 280 feet more or less and (10) Northeastly 365 feet more or less to the place of beginning.

Containing 6.94 acres of land more or less.

June 7, 1983
Our File No. 83038



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Leonard S. Jacobson
County Solicitor
TO: _____ Date: July 21, 1983
Norman E. Gerber, Director
Office of Planning and Zoning
FROM: _____
Citicorp Financial, Inc.
SUBJECT: Property Request for Exemption
from Cyclical Procedures

Attached please find the subject resolution adopted by the Planning Board at its meeting on July 21, 1983. Please prepare the necessary material for the County Council's consideration.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JH:icav

Attachment:

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

Thomas Toporovich
County Council Secretary-Administrator

William T. Hackett, Chairman
County Board of Appeals

John W. Hessian, III
People's Counsel

James E. Dyer
Zoning Supervisor

Richard A. Reid, Esquire

BALTIMORE COUNTY PLANNING BOARD RESOLUTION July 21, 1983

WHEREAS, Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Citicorp Financial, Inc. to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; now therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on July 21, 1983.

July 21, 1983
Date

Norman E. Gerber
Norman E. Gerber
Secretary of the Baltimore County Planning Board

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. E. KUNDELHOFER, III
THOMAS E. MCDONOUGH
LAWRENCE T. HANLUP

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

JOHN L. ASKEW

June 24, 1983

HAND DELIVERED

Kenneth D. Dryden, Chairman
Baltimore County Planning Board
Room 105
County Office Building
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for
Zoning Reclassification

Dear Chairman Dryden:

Citicorp Financial, Inc. has delivered the above-entitled Petition for Reclassification to the Zoning Commissioner of Baltimore County pursuant to the Rules of Procedure of the County Board of Appeals of Baltimore County.

It is requested that the Planning Board certify to the County Council that early action upon such Petition is manifestly required in the public interest and because of an emergency existing for Petitioner pursuant to the provisions of Baltimore County Code, Section 22-24(i) for the reasons set forth in the attached memorandum so that such Petition may be exempted from the regular cyclical procedure of Subsections (c) through (h) of Section 22-24 and also for the suspension of reclassification-petition filing required under Section 22-25 of such Code.

Very truly yours,

Richard A. Reid
Richard A. Reid

RAR/keg
Enclosure

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4578
823-1800

MEMORANDUM IN SUPPORT OF REQUEST FOR EARLY ACTION ON ZONING RECLASSIFICATION PETITION PURSUANT TO BALTIMORE COUNTY CODE SECTION 22-24(i) AND EXEMPTION FROM THE SUSPENSION OF RECLASSIFICATION PETITION FILING

Citicorp Financial, Inc., a Delaware corporation (CFI), recently determined to make Towson the Regional Headquarters for its Mid-Atlantic Division which includes Maryland, Pennsylvania, Delaware, Virginia, West Virginia and the District of Columbia. Such operation is currently housed in the building on York Road formerly known as the Exxon Building which it acquired in 1977, together with the parcel of land upon which it was built (hereafter referred to as the York Road Parcel) together with the right to use the adjoining parcel for parking (the subject of this request and sometimes referred to hereafter as the Rear Parcel) from Exxon which owned both parcels. The business of CFI is growing at such a rate, however, that it will not be able to maintain its Regional Headquarters at such location unless it can expand. To this end, it acquired subject Rear Parcel in April, 1983.

It now seeks to have it rezoned from D.R.-16 to O-1 in order to (a) have sufficient floor area ratio to expand its existing facility by an addition thereto to satisfy its immediate needs, Phase I, and (b) have sufficient zoned land to accommodate its anticipated future requirements of two additional office buildings to be located on subject Rear Parcel, Phase II. 1/

1/ Actually, a small portion of subject tract is already zoned O-1.

It cannot begin Phase I, however, without some assurance that it will be able to build the two office buildings on subject Rear Parcel, Phase II. This will require a change in the zoning of subject Rear Parcel from D.R.-16 to O-1. Since CFI's need for the immediate expansion under Phase I is urgent and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Baltimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

The foregoing constitutes an emergency situation for CFI. It has to expand now! It wants to do so in Baltimore County, but does not have zoning permitting it to do so. If it cannot get the zoning it requires promptly, it will be required to consider moving its regional headquarters to one of the other political subdivisions which are actively soliciting it.

That immediate consideration of CFI's petition is manifestly required in the public interest is apparent when one considers what is at stake for Baltimore County. CFI now employs 650 people in its existing facility on York Road. Completion of Phase I will add 300 new people to the work force. Completion of the two new office buildings on subject will create 650-850 jobs. None of the expansion will require any public assistance.

If CFI cannot expand at the existing site, it will have to relocate its Regional Headquarters. This would result in a

loss of 650 existing jobs and up to 1,150 new jobs created at no expense to Baltimore County. In addition, Baltimore County would not gain the addition to its real property tax base represented by three new office buildings, and, since such buildings would house computer operations, would lose the potential for increased personal property taxes.

It is submitted that the proposed zoning and use of subject for offices for the Headquarters of CFI's Mid-Atlantic Division will be in harmony with other uses in the neighborhood. It, of course, represents a logical extension of the O-1 use now enjoyed by CFI's existing facility on the York Road Parcel. Across Cross Campus Drive from the subject to the west is the former Blue Cross Building in an O-1 zone and the institutional uses of Towson State. To the south, subject is joined by the institutional uses of St. Joseph Hospital. To the west and at a different elevation than the subject are the Valley View Apartments, the entrance to which, from Cross Campus Drive, together with the topography, would serve to separate them from the proposed use of subject.

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800

Attorney for Petitioner

opportunities by substantially deregulating the consumer financial industry which is the heart of CFI's business. What follows is a summary of these major changes.

I.

INTERSTATE BANKING

Under current federal law (12 U.S.C. 1942(d)), a bank holding company, such as CFI, may not acquire more than 5% of the voting stock of a bank located in any state other than its "home" state unless such acquisition is specifically authorized by the laws of the other state. Thus, CFI could not own or acquire a bank located in Maryland without specific authorization under Maryland law. Until the 1983 Legislative Session, Maryland law did not contain a vehicle for obtaining such authorization. Now, however, the new subtitle created by S.B. 591 permits an out-of-state bank holding company to acquire a newly organized bank located in Maryland under certain conditions, including employment of at least 100 persons by the end of the first year of its operation.

During the 1983 Legislative Session, CFI committed to Governor Hughes that, if the law were passed, it would apply for a new Maryland bank. The law was enacted and CFI's application for the bank is going forward as promised.

A substantial part of the proposed expansion of the York Road facility would be used to house the bank's operations and its employees. CFI also plans to move other businesses from other states into its Towson location, bringing even more employment opportunities.

II.

REVOLVING CREDIT

CFI is the owner of the CHOICE credit card. In 1980, the card business was known as the NAC Charge Plan and was limited to the Baltimore/Washington area. At that time, permissible

finance charges on credit cards in Maryland were limited to 18% Annual Percentage Rate on a balance of \$500.00 or less and 12% Annual Percentage Rate on any portion of the balance in excess of \$500.00. No annual membership fees or other charges of any kind were permitted, except for the stated finance charges.

Now, because of the changes wrought by H.B. 1853 and S.B. 591, credit card grantors are permitted to assess competitive finance charges on the entire balance and, in addition, they may assess any or all of the following: annual fees; minimum monthly charges; and individual transaction fees. This less restrictive law, combined with CHOICE's increasing regional acceptance has encouraged it to expand the area of its coverage to make its unique financial services available to a wider marketplace. This expansion will demand a proportionate expansion of office facilities.

III

CLOSED END LENDING

In addition to its CHOICE card, CFI is also engaged in the business of making unsecured and first and second mortgage loans to Maryland consumers.

Before 1980, unsecured loans had an interest ceiling of 12%, first mortgages had a ceiling of 10% and second mortgages had a ceiling of 12%.

In October of 1980, a Federal law was passed which completely pre-empted all State imposed interest rate restrictions on first mortgages (PL 96-22). With the passage of H.B. 1853 and S.B. 591 in Maryland, unsecured and second mortgage ceilings have been raised to 24%. Also, new creative financing tools are now available such as balloon loans, adjustable rate loans and open ended mortgages.

The total effect of this comprehensive easing of restrictions is to open to Citicorp and CFI new business expansion potential to offer these products to its present and future marketplaces. An equivalent physical enlargement must accompany any such expansion.

IV.

SUMMARY

It is not that CFI intends or expects to immediately utilize all of its newly authorized capabilities - rather it is the freedom to be able to adjust its service and fees to meet changing market conditions that creates the confidence to know that, no matter what the market does, CFI will now be able to effectively compete in Maryland.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 16 TO O-1 ZONE
SW/corner of York Rd. and Cross
Campus Dr., 9th District : OF BALTIMORE COUNTY
CITICORP FINANCIAL, INC., : Case No. 8-84-120 (Item 12)
Petitioner :

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2108

I HEREBY CERTIFY that on this 6th day of October, 1983, a copy of the foregoing Order was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

ROYSTON, MUELLER,
MELAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4878
823-1800

-2-

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-3-

ROYSTON, MUELLER,
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TOWSON, MARYLAND
21204-4878
823-1800

-4-

*Reid 10-5-83
3:30 PM*

RAR/keg
8/11/83

SUPPLEMENT TO MEMORANDUM OF CITICORP FINANCIAL, INC.
IN SUPPORT OF ITS PETITION TO REZONE A PORTION
OF ITS LAND FROM D.R.-16 TO O-1

III.

OTHER CHANGE

CHANGE IN THE PHYSICAL CHARACTER OF THE
NEIGHBORHOOD IN THE VICINITY OF THE
CITICORP FINANCIAL, INC. TRACT

The physical character of the neighborhood has changed dramatically since the adoption of Comprehensive Zoning Maps by the County Council in October of 1980. This has been brought about by the construction of a student housing and dining complex for Towson State University just to the west of the CFI site on the north side of Cross Campus Drive. The complex accommodates 1,684 students in 4 high-rise residential structures - two 14 story buildings, a 15 story building, and a 16 story building, containing living space, interior common spaces, and study space with access to computers. The high rise residential structures are grouped around a two-story dining facility providing seating for 600. All of these buildings are sited on a 3.1033 gross acre parcel for which D.R.-16 Zoning was established by the 1980 Maps. Occupancy will begin with the Fall Semester of 1983.

This student housing complex is much more than a three-dimensional, visual grouping of buildings evidencing new and expanded activity at Towson State University. It has changed the physical character of the immediate neighborhood in a manner which was neither predicted nor authorized by the 1980 Comprehensive Zoning Maps. When they were adopted, the land on which the housing complex is located was in private, not State ownership. The site was donated to the State and leased back to the private sponsors for development. 1/ By transferring

1/ Although the student housing and dining facilities are being built under private sponsorship, they will be leased back to Towson State University for full operation and management.

title to the State, the housing complex became exempt from the requirements, standards, and constraints of the Baltimore County Zoning Regulations.

Absent State ownership of the site, private development of student housing facilities would be impossible without a consequential change in the D.R.-16 base zoning and an extension of the boundary of the Towson Town Center. Since it is not within a Town Center as designated by the Planning Board or within 1,000 feet of a CCC District, the site is not eligible for either RAE-1 or RAE-2 Zoning - the classifications which, under private sponsorship, might permit a student housing complex on a smaller scale. 2/

It is thus clear that the Towson State University housing complex has resulted in a change in the manner of land use and in the physical character of the immediate neighborhood which were not foreseen for this then private land by the 1980 Comprehensive Zoning Maps. The formal decision by the State to proceed with the housing project was made by the Board of Public Works on October 21, 1981 - a year after the adoption of the Maps. The process involved invitations to the private sponsors to make proposals for off-campus sites meeting specifications, narrowing them to two sites, and, finally choosing and resolving the fine details relating to developing and financing the successful site. All of this process unfolded after the adoption of the Maps and the site was not selected finally until a year

2/ If the location criteria for those zones could be met, the high rise residential structures exceed the maximum height limitation of 85 feet in the RAE-1 Zone and exceed the density limitations of both the RAE-1 Zone (40 density units per gross acre) and the RAE-2 Zone (80 density units per acre). RAE-1 would permit but 124 density units for the 3.1033 acre site while RAE-2 would permit 248 density units. Assuming that each two person living unit in the complex equates to an efficiency apartment (0.5 density unit), the 842 units translate into 421 density units. Under private site ownership, the current D.R.-16 Zoning allows only 49 density units for the 3.1033 acre tract.

-2-

later. Construction of the high rise student housing complex has therefore taken place in a manner not provided for by the 1980 Maps. The result is dramatic and seeable change in the manner of neighborhood land use and an actual change in the physical character of the area vicinal to the CFI tract.

Other implicit changes in the potential manner of land use result from the construction and occupancy of the high rise student housing complex. A significant reason for the site's D.R.16 zoning was attributed to a shortage of vacant land in that category within the area close to Towson State University. As one of but two vacant parcels zoned D.R.-16 in close proximity to Towson State University (the other indeed was converted to the student housing complex), an objective of the 1980 Zoning Map had to be retention of possibilities for private sector provision of housing related to University needs. 3/ Construction and occupancy of the student housing complex has changed the rationale for high density residential zoning quite significantly. Provision of 1,684 student living units frees the CFI site for other appropriate land use in accordance with that change.

3/ The Student Housing complex has been built in response to a shortage of and need for on-campus residential space at Towson State University. Prior to the occupancy of the new units in the Fall of 1983, the University had dormitory space for but 1,262 students out of an enrollment of 9,500 daytime students and 16,000 total daytime, part-time and evening students. In 1981, 1,123 Towson State University students were living off-campus - primarily in residential neighborhoods in the general vicinity of the University. Provision of 1,684 on-campus living spaces will reduce student pressures for housing in off-campus residential areas and eliminate conflicts with local neighborhoods which have resulted from the lack of on-campus housing. More students will be residing on the Towson State University campus and will be subjected as such to the jurisdiction, policies, and discipline of the University. Traffic movements by students will be lessened by the fact that more will be living and parking on the Towson State University campus. Parking conflicts and disruptions in residential areas caused by commuting students will be further reduced by the provision of the resultant 133 percent increase in University housing provided by the complex.

-3-

These changes in the manner of land use adjacent to the CFI tract and consequential changes in housing demand could not be foreseen reasonably by the County Council when it adopted the 1980 Maps. They add up to a genuine change in the character of the neighborhood vicinal to CFI which warrants the establishment of O-1 Zoning there.

Respectfully submitted,

Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800
Attorney for Petitioner

-4-

*Reid 10-5-83
3:30 PM*

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ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
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LAWRENCE F. HAINSLIP

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

June 24, 1983

HAND DELIVERED

Kenneth D. Dryden, Chairman
Baltimore County Planning Board
Room 106
County Office Building
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for
Zoning Reclassification

Dear Chairman Dryden:

Citicorp Financial, Inc. has delivered the above-entitled
Petition for Reclassification to the Zoning Commissioner of
Baltimore County pursuant to the Rules of Procedure of the
County Board of Appeals of Baltimore County.

It is requested that the Planning Board certify to the County
Council that early action upon such Petition is manifestly required
in the public interest and because of an emergency existing for
Petitioner pursuant to the provisions of Baltimore County Code,
Section 22-24(i) for the reasons set forth in the attached memorandum
so that such Petition may be exempted from the regular cyclical
procedure of Subsections (c) through (h) of Section 22-24 and also
for the suspension of reclassification-petition filing required
under Section 22-25 of such Code.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Thomas Toporovich
County Council Secretary-
Administrator Date: July 11, 1983

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Reclassification Petition: Citicorp Financial, Inc.
Request for exemption from cyclical procedures

At its meeting on July 7, 1983, the Ad hoc Committee on Master
Plan and Zoning Map of the Baltimore County Planning Board voted to recommend
that the Planning Board certify to the County Council that early action
on the subject Zoning Reclassification Petition would be in the public interest.
I would appreciate your tentatively scheduling this item for Council consideration
at its August meeting, subject to favorable action by the Planning Board at its
meeting on July 21, 1983.

Thank you for your cooperation in this matter.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JH:cav

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

William T. Hackett, Chairman
County Board of Appeals

Leonard S. Jacobson
County Solicitor

John W. Hessian, III
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Zoning Supervisor

Richard A. Reid, Esquire

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OF COUNSEL
JOHN L. ASKEW

June 24, 1983

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Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

MEMORANDUM IN SUPPORT OF
REQUEST FOR EARLY ACTION ON
ZONING RECLASSIFICATION PETITION
PURSUANT TO BALTIMORE COUNTY CODE
SECTION 22-24(i) AND EXEMPTION FROM THE
SUSPENSION OF RECLASSIFICATION PETITION FILING

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recently determined to make Towson the Regional Headquarters
for its Mid-Atlantic Division which includes Maryland, Pennsylvania,
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Such operation is currently housed in the building on York
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the right to use the adjoining parcel for parking (the subject
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Rear Parcel) from Exxon which owned both parcels. The business
of CFI is growing at such a rate, however, that it will not
be able to maintain its Regional Headquarters at such location
unless it can expand. To this end, it acquired subject Rear
Parcel in April, 1983.

It now seeks to have it rezoned from D.R.-16 to O-1 in
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existing facility by an addition thereto to satisfy its immediate
needs, Phase I, and (b) have sufficient zoned land to accommodate
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and critical, it must have that assurance now. The only way
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The foregoing constitutes an emergency situation for CFI.
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but does not have zoning permitting it to do so. If it cannot
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people in its existing facility on York Road. Completion of
Phase I will add 300 new people to the work force. Completion
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It is submitted that the proposed zoning and use of subject
for offices for the Headquarters of CFI's Mid-Atlantic Division
will be in harmony with other uses in the neighborhood. It, of
course, represents a logical extension of the O-1 use now
enjoyed by CFI's existing facility on the York Road Parcel.
Across Cross Campus Drive from the subject to the west is the
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Apartments, the entrance to which, from Cross Campus Drive,
together with the topography, would serve to separate them from
the proposed use of subject.

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800

Attorney for Petitioner

-3-



BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

ROBERT L. HANNON
DIRECTOR

July 7, 1983

Mr. Kenneth D. Dryden, Chairman
Baltimore County Planning Board
4th Floor - New Courts Building
Towson, Maryland 21204

Dear Mr. Dryden:

This letter is written in behalf of Citicorp Financial, Inc. (CFI),
which operates its Mid-Atlantic Division from facilities at 7720 York
Road, Towson. This operation is a regional headquarters serving Maryland,
Pennsylvania, Delaware, Virginia, West Virginia, and the District of
Columbia. CFI employs approximately 650 persons housed within its
existing building of 120,000 square feet.

In April of this year, representatives of CFI met in my office and
informed me of their intention to expand their existing facility in
two phases. The outcome of this expansion would benefit Baltimore County
in several ways. The obvious benefits are in job creation and expansion
of the tax base. In addition to guaranteeing the retention of the
existing 650 positions, expansion would create up to 1,150 new jobs
within occupational categories to which both our educational institutions
and public job retraining programs are targeted. Additional benefit
is gained by the County from the prestige of hosting the regional
headquarters of a nationally recognized firm such as Citicorp Financial,
Inc. This recognition, enhanced by the support of local government
in accommodating business needs, is a necessary ingredient in a successful
program of externally marketing Baltimore County for economic growth
and development.

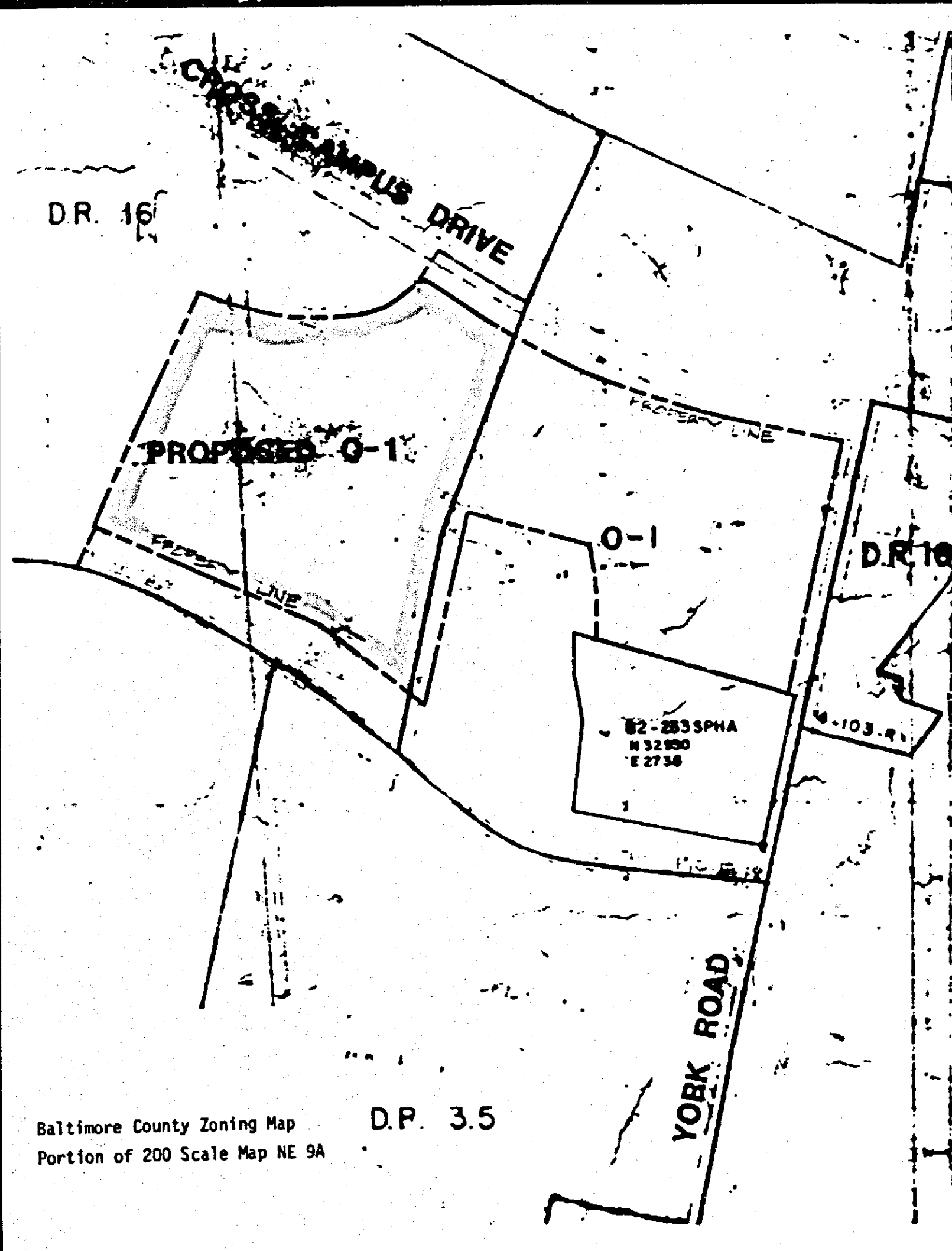
This office emphatically endorses CFI's expansion program and urges the
Planning Board to make appropriate certification to the County Council
for early action on CFI's Petition for Reclassification.

If this office can provide further information that would be helpful
to Planning Board action, I would be most anxious to respond.

Regards,

Robert L. Hannon
ROBERT L. HANNON
Director

RLH:jet



Baltimore County Zoning Map
Portion of 200 Scale Map NE 9A

D.P. 3.5

NOV 28 1983

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16* zone to an O-1 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County to use the herein described property for offices to house the Regional Headquarters of Citicorp Financial, Inc.'s Mid-Atlantic Division

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

*A small portion of subject property is already zoned O-1.

Properly to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	7720 York Road 337-2600
Richard A. Reid, Esq.	Address Phone No.
(Type or Print Name)	Towson, Maryland 21204
Signature	City and State
102 West Pennsylvania Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	C. Keith McLendon, Assistant
Towson, Maryland 21204	Corporate Counsel
City and State	Name
Attorney's Telephone No. 823-1100	7720 York Road 337-2600 Ext. 471
	Address Phone No.
	Towson, Maryland 21204

BADC-Form 1

Rec'd 6-24-83
12:10 PM



County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 494-3195

COUNCIL

Ronald B. Hickernell
FIRST DISTRICT

Gary Huddles
SECOND DISTRICT

James T. Smith, Jr.
THIRD DISTRICT

Barbara F. Bachar
FOURTH DISTRICT, CHAIRMAN

Norman W. Lantier
FIFTH DISTRICT

Eugene W. Gallagher
SIXTH DISTRICT

John W. O'Rourke
SEVENTH DISTRICT

Thomas Toporovich
SECRETARY

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached herewith please find Resolution No. 66-83, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical procedure.

This resolution was passed by the County Council at their meeting on Monday, August 1, 1983 and is forwarded for your attention and appropriate action.

Sincerely yours,

Thomas Toporovich
Secretary

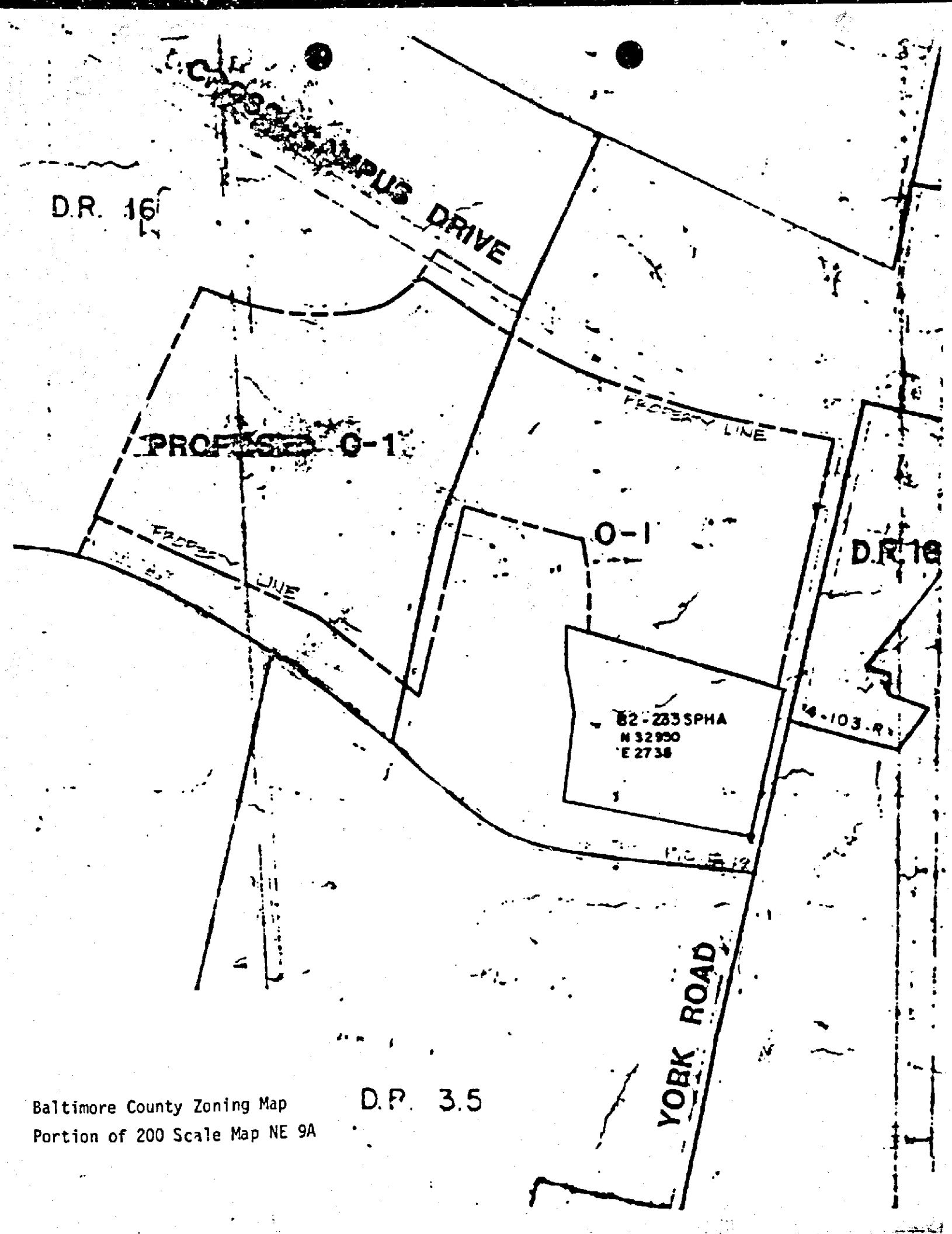
TT:b1

Enc: 1

CC: Norman Gerber

Hand delivered
Rec'd 6-23-83
3:20 PM

Set 11/2-100m



Baltimore County Zoning Map
Portion of 200 Scale Map NE 9A

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1983 Legislative Day No. 18

RESOLUTION NO. 66-83

Ms. Barbara Bachar, Councilwoman
By Request of County Executive

By the County Council, August 1, 1983

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc., owner, for a 6.94 acre parcel of land located on Cross Campus Drive, should be exempted from the regular cyclical procedure of §2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1982 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by resolution dated July 21, 1983, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Citicorp Financial, Inc., owner, requesting a reclassification of the above-described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of §2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular, cycle procedures of §2-58.1.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Citicorp Financial, Inc. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with §2-58.1(i) of the Baltimore County Code.

DAFT-MCCUNE-WALKER, INC.

530 East Poplar Road
Towson, Md. 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

6.94 Acre Parcel
Cross Campus Drive Near York Road
Ninth Election District
Baltimore County, Maryland

BEGINNING for the same at the intersection of the zoning line which divides the O-1 and D.R. 16 zones and the South side of Cross Campus Drive, said point being located 487 feet more or less as measured along the South side of Cross Campus Drive from a fillet connecting said South side of Cross Campus Drive and the West side of York Road, thence leaving said zoning line and running with and binding on said South side of Cross Campus Drive and also on part of the seventh and the eighth lines of the outline of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Baltimore County in Liber E.H.K., Jr. 5832 folio 363 (1) Northwest by a curve to the right with the radius of 1,299.33 feet and the length of 95 feet more or less, (2) North 55 degrees 29 minutes 07 seconds West 83.67 feet, thence leaving said South side of Cross Campus Drive and running and binding on the ninth, tenth, eleventh, twelfth, first and part of the second lines of said aforementioned outline, (3) Southwest by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds West 21.21 feet, (4) Southwest by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being South 58 degrees 30 minutes 53 seconds West 105.75 feet, (5) Northwest by a line curving to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being North 81 degrees 44 minutes 20 seconds West 287.66 feet, (6) South 24 degrees 38 minutes 30 seconds West 445.92 feet, (7) South 65 degrees 21 minutes 30 seconds East 447.65 feet and (8) South 52 degrees 15 minutes 00 seconds East 170 feet more or less to a point on said aforementioned zoning line thence binding thereon (9) Northeastly 280 feet more or less and (10) Northeastly 365 feet more or less to the place of beginning.

Containing 6.94 acres of land more or less.

June 7, 1983

Our File No. 83038



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Zoning Office
Edith T. Eisenhart
FROM: County Board of Appeals
SUBJECT: County Council Resolution #66-83 - Citicorp Financial, Inc.

Date: August 4, 1983

Attached herewith is a copy of Resolution No. 66-83 passed by the County Council on August 1, 1983, approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Citicorp Financial, Inc. should be exempted from the regular cyclical procedure.

The Board has set Wednesday, November 2, 1983, aside for the hearing of this case, at 10 a.m. Therefore, please arrange for the advertising and posting of the property.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

cc: J. G. Hoswell
N. Commodari
Arlene January



BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

ROBERT L. HANNON
DIRECTOR

July 7, 1983

Mr. Kenneth D. Dryden, Chairman
Baltimore County Planning Board
4th Floor - New Courts Building
Towson, Maryland 21204

Dear Mr. Dryden:

This letter is written in behalf of Citicorp Financial, Inc. (CFI), which operates its Mid-Atlantic Division from facilities at 7720 York Road, Towson. This operation is a regional headquarters serving Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia. CFI employs approximately 650 persons housed within its existing building of 120,000 square feet.

In April of this year, representatives of CFI met in my office and informed me of their intention to expand their existing facility in two phases. The outcome of this expansion would benefit Baltimore County in several ways. The obvious benefits are in job creation and expansion of the tax base. In addition to guaranteeing the retention of the existing 650 positions, expansion would create up to 1,150 new jobs within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business needs, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth and development.

This office emphatically endorses CFI's expansion program and urges the Planning Board to make appropriate certification to the County Council for early action on CFI's Petition for Reclassification.

If this office can provide further information that would be helpful to Planning Board action, I would be most anxious to respond.

Regards,

Robert L. Hannon
ROBERT L. HANNON
Director

RLH:jet

ROYSTON, MUELLER, MCLEAN & REID

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, III
C. A. KUNDELHOFER III
THOMAS F. MCDONOUGH
LAWRENCE F. HANSLIP

SUITE 800
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

August 15, 1983

William T. Hackett, Chairman
Board of Appeals
Room 200 Old Court House
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition
for Zoning Reclassification

Dear Chairman Hackett:

Enclosed please find the original and two copies of a supplement to the memorandum previously filed in the above-entitled case by Citicorp Financial, Inc. in support of its Petition for Zoning Reclassification.

This case has been certified by the County Council for early action pursuant to the provisions of Baltimore County Code, §22-24(i). It would be appreciated if you could assign this case for hearing as soon as possible.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosures

cc: John W. Hessian III, People's Counsel
Norman E. Gerber, Deputy Director
Mr. James G. Hoswell
all with enclosure

Rec'd 8-15-83
3:30 PM
Hand del.

PETITION FOR RECLASSIFICATION

9th Election District

ZONING: Petition for Reclassification

LOCATION: Southwest corner of York Road and Cross Campus Drive

DATE & TIME: Wednesday, November 2, 1983 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

Present Zoning: D.R. 16
Proposed Zoning: O-1

All that parcel of land in the Ninth District of Baltimore County

Being the property of Citicorp Financial, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 2, 1983 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

DAFT-MCCLINE-WALKER INC.

530 East Joppa Road
Towson, MD 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

Property of Citicorp Financial, Inc.
Cross Campus Drive and York Road
Ninth Election District
Baltimore County, Maryland

Beginning for the same at a point on the south side of Cross Campus Drive, said point being at the point of curvature of a fillet connecting said south side of Cross Campus Drive with the west side of York Road, said point being also located on the second line of a parcel of land described in a deed dated May 23, 1977 from W. Allen Harrison, Etal, Trustees of the Exxon USA Foundation to Citicorp Financial Incorporated and recorded among the land records of Baltimore County in Liber E.H.K., Jr. 5760 folio 867, said point being 113.50 feet from the beginning of said second line, thence running and binding on a portion of said second line and all of the third line and on the south side of Cross Campus Drive (1) north 77 degrees 44 minutes 20 seconds west 77.00 feet, (2) northwesterly by a curve to the right with the radius of 1,299.33 feet, the length of 294.81 feet, the chord of said curve being north 71 degrees 14 minutes 20 seconds west 294.18 feet to a point at the beginning of the seventh line of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Baltimore County in Liber E.H.K., Jr. 5832 folio 363, thence binding on said seventh line and the eighth line of said parcel and still binding on the south side of Cross Campus Drive (3) northwesterly by a curve to the right with the radius of 1,299.33 feet, the length of 209.85 feet, the chord of said curve being north 60 degrees 06 minutes 43.5 seconds west 209.62 feet, (4) north 55 degrees 29 minutes 07 seconds west 81.67 feet, thence leaving the south side of Cross Campus Drive and binding on the ninth, tenth, eleventh, twelfth, first, second and third lines of the lastly mentioned parcel (5) southwesterly by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds west 21.21 feet, (6) southwesterly by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being south 58 degrees 30 minutes 53 seconds west 105.75 feet, (7) northwesterly by a curve to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being north 81 degrees 44 minutes 20 seconds west 287.66 feet, (8) south 24 degrees 38 minutes 30 seconds west 445.92 feet, (9) south 65 degrees 21 minutes 30 seconds east 447.65 feet, (10) south 52 degrees 15 minutes 00 seconds east 208.48 feet, and (11) north 13 degrees 07 minutes 40 seconds east 225.82 feet to the beginning of the seventh line of said firstly mentioned parcel, thence binding on the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and part of the first line of said parcel (12) north 13 degrees 07 minutes 40 seconds east 120.00 feet, (13) south 73 degrees 41 minutes 30 seconds east 210.00 feet, (14) south 18 degrees 03 minutes 30 seconds east 30.00 feet,

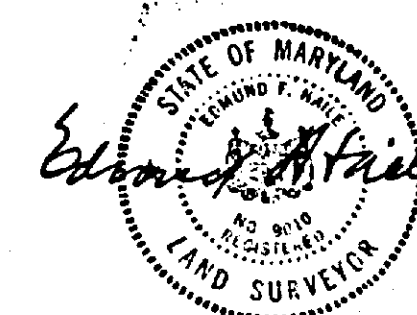
(15) south 07 degrees 30 minutes 00 seconds east 30.00 feet, (16) south 02 degrees 24 minutes 20 seconds east 30.00 feet, (17) south 01 degrees 51 minutes 00 seconds west 76.90 feet, (18) south 73 degrees 40 minutes 30 seconds east 352.50 feet to the west side of York Road and (19) north 12 degrees 15 minutes 40 seconds east 92.56 feet, thence binding on a widening of York Road (20) north 06 degrees 52 minutes 42 seconds east 275.90 feet and (21) northwesterly by a curve to the left with the radius of 88.09 feet, the length of 129.96 feet, the chord of said curve being north 38 degrees 25 minutes 49 seconds west 118.47 feet to the place of beginning.

Saving and excepting that portion of the above described land which is sited D-1.

The portion remaining contains 6.94 acres of land more or less.

July 19, 1983

Our File No. 83038



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Leonard S. Jacobson
TO: County Solicitor Date: July 22, 1983

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

Citicorp Financial, Inc.
SUBJECT: Property Request for Exemption from Cyclical Procedures

Attached please find the subject resolution adopted by the Planning Board at its meeting on July 21, 1983. Please prepare the necessary material for the County Council's consideration.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEGJH:cav

Attachment

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

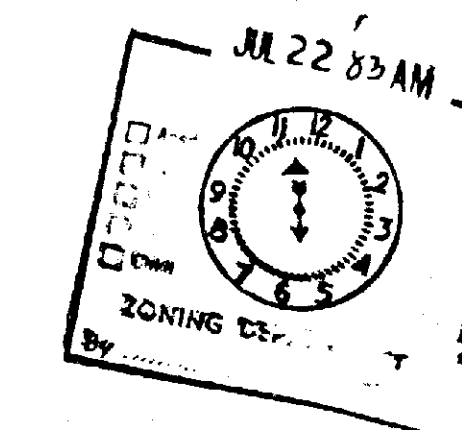
Thomas Toporovich
County Council Secretary-Administrator

William T. Hackett, Chairman
County Board of Appeals

John W. Hession, III
People's Counsel

James E. Dyer
Zoning Supervisor

Richard L. Reid, Esquire



BALTIMORE COUNTY PLANNING BOARD
RESOLUTION
July 21, 1983

WHEREAS, Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Citicorp Financial, Inc. to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; now therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on July 21, 1983.

July 21, 1983
Date

Norman E. Gerber
Secretary of the Baltimore County Planning Board

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

CARROLL W. ROYSTON
M. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KUNDELDOFFER, III
THOMAS F. MCDONOUGH
LAWRENCE F. HANSLIP

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

June 24, 1983

HAND DELIVERED

Kenneth D. Dryden, Chairman
Baltimore County Planning Board
Room 106
County Office Building
Towson, Maryland 21204

Re: Citicorp Financial, Inc. - Petition for Zoning Reclassification

Dear Chairman Dryden:

Citicorp Financial, Inc. has delivered the above-entitled Petition for Reclassification to the Zoning Commissioner of Baltimore County pursuant to the Rules of Procedure of the County Board of Appeals of Baltimore County.

It is requested that the Planning Board certify to the County Council that early action upon such Petition is manifestly required in the public interest and because of an emergency existing for Petitioner pursuant to the provisions of Baltimore County Code, Section 22-24(i) for the reasons set forth in the attached memorandum so that such Petition may be exempted from the regular cyclical procedure of Subsections (c) through (h) of Section 22-24 and also for the suspension of reclassification-petition filing required under Section 22-25 of such Code.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosure

MEMORANDUM IN SUPPORT OF REQUEST FOR EARLY ACTION ON ZONING RECLASSIFICATION PETITION PURSUANT TO BALTIMORE COUNTY CODE SECTION 22-24(i) AND EXEMPTION FROM THE SUSPENSION OF RECLASSIFICATION PETITION FILING

Citicorp Financial, Inc., a Delaware corporation (CFI), recently determined to make Towson the Regional Headquarters for its Mid-Atlantic Division which includes Maryland, Pennsylvania, Delaware, Virginia, West Virginia and the District of Columbia. Such operation is currently housed in the building on York Road formerly known as the Exxon Building which it acquired in 1977, together with the parcel of land upon which it was built (hereafter referred to as the York Road Parcel) together with the right to use the adjoining parcel for parking (the subject of this request and sometimes referred to hereafter as the Rear Parcel) from Exxon which owned both parcels. The business of CFI is growing at such a rate, however, that it will not be able to maintain its Regional Headquarters at such location unless it can expand. To this end, it acquired subject Rear Parcel in April, 1983.

It now seeks to have it rezoned from D.R.-16 to O-1 in order to (a) have sufficient floor area ratio to expand its existing facility by an addition thereto to satisfy its immediate needs, Phase I, and (b) have sufficient zoned land to accommodate its anticipated future requirements of two additional office buildings to be located on subject Rear Parcel, Phase II. 1/

1/ Actually, a small portion of subject tract is already zoned O-1.

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4578
823-1800

It cannot begin Phase I, however, without some assurance that it will be able to build the two office buildings on subject Rear Parcel, Phase II. This will require a change in the zoning of subject Rear Parcel from D.R.-16 to O-1. Since CFI's need for the immediate expansion under Phase I is urgent and critical, it must have that assurance now. The only way to obtain it is by having a petition for rezoning considered outside of the restraints of the cycle filing requirements of Baltimore County Code, Section 22-24 and by lifting the suspension of filings required by Baltimore County Code, Section 22-25.

The foregoing constitutes an emergency situation for CFI. It has to expand now! It wants to do so in Baltimore County, but does not have zoning permitting it to do so. If it cannot get the zoning it requires promptly, it will be required to consider moving its regional headquarters to one of the other political subdivisions which are actively soliciting it.

That immediate consideration of CFI's petition is manifestly required in the public interest is apparent when one considers what is at stake for Baltimore County. CFI now employs 650 people in its existing facility on York Road. Completion of Phase I will add 300 new people to the work force. Completion of the two new office buildings on subject will create 650-850 jobs. None of the expansion will require any public assistance.

If CFI cannot expand at the existing site, it will have to relocate its Regional Headquarters. This would result in a

loss of 650 existing jobs and up to 1,150 new jobs created at no expense to Baltimore County. In addition, Baltimore County would not gain the addition to its real property tax base represented by three new office buildings, and, since such buildings would house computer operations, would lose the potential for increased personal property taxes.

It is submitted that the proposed zoning and use of subject for offices for the Headquarters of CFI's Mid-Atlantic Division will be in harmony with other uses in the neighborhood. It, of course, represents a logical extension of the O-1 use now enjoyed by CFI's existing facility on the York Road Parcel. Across Cross Campus Drive from the subject to the west is the former Blue Cross Building in an O-1 zone and the institutional uses of Towson State. To the south, subject is joined by the institutional uses of St. Joseph Hospital. To the west and at a different elevation than the subject are the Valley View Apartments, the entrance to which, from Cross Campus Drive, together with the topography, would serve to separate them from the proposed use of subject.

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800

Attorney for Petitioner

TOYSON, MUELLER,
MCLEAN & REID
SUITE 600
102 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND
21204-4575
823-1800

-3-

SPECIAL-EXCEPTION-AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16 zone to an O-1 zone for the reasons given in the attached statement; and (2) for a special exception and/or variance from the zoning regulations of Baltimore County to use the herein described property for offices to house the Regional Headquarters for Citicorp Financial, Inc.'s Mid-Atlantic Division

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

*A small portion of subject property is already zoned O-1.

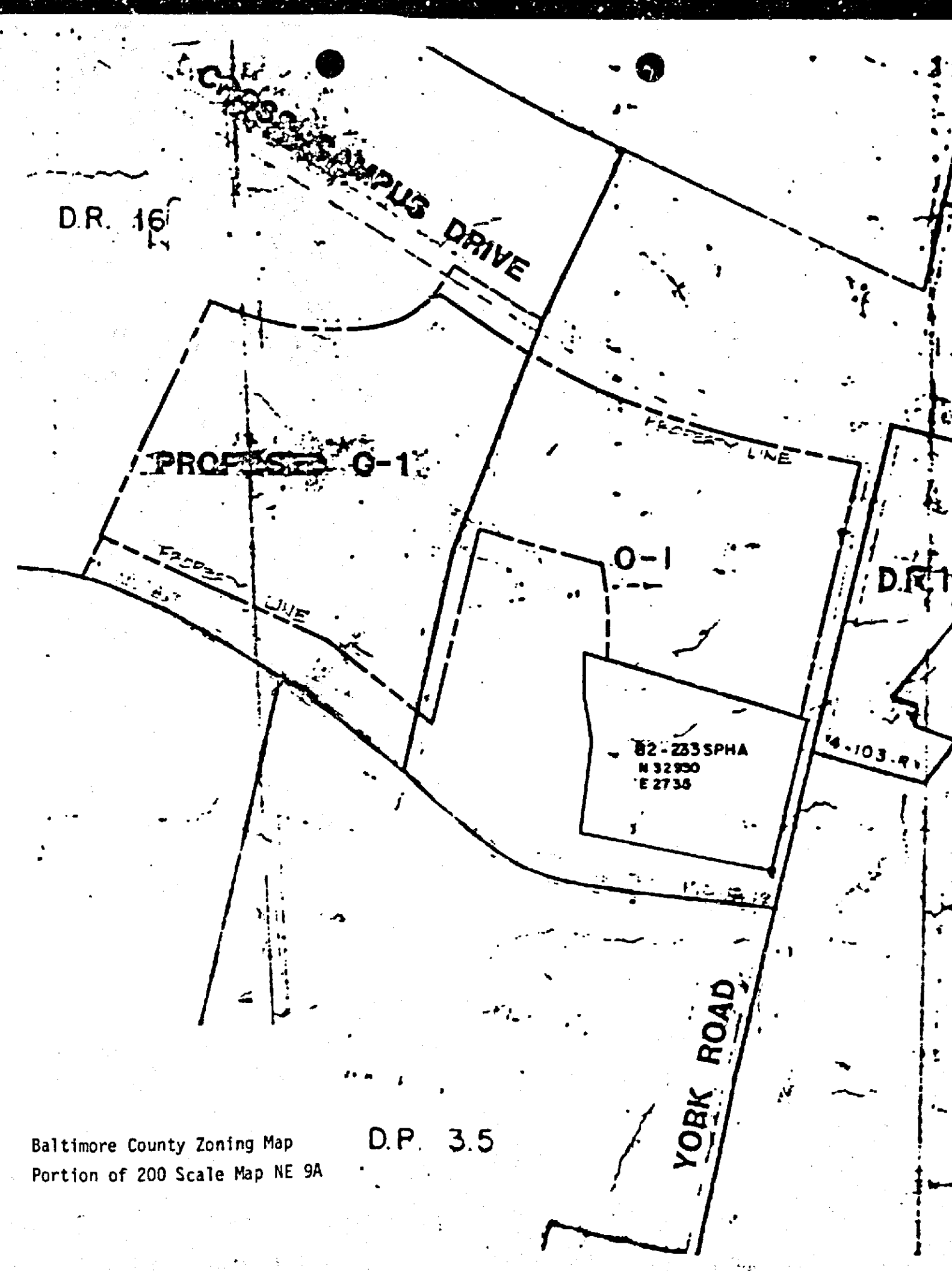
Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	CITICORP FINANCIAL, INC.
Signature	Signature
Address	Ronald E. Geesey, President
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Richard A. Reid, Esq.	7720 York Road 337-2600
(Type or Print Name)	Address
Signature	Towson, Maryland 21204
102 West Pennsylvania Avenue	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	C. Keith McLendon, Assistant
City and State	Corporate Counsel
Attorney's Telephone No.: 823-1800	7720 York Road 337-2600 Ext. 471
	Address
	Towson, Maryland 21204
	Phone No.

BAC-Form 1

Rec'd 2483
10:10 PM



DAVE MCNEIL-WALKER INC.

530 E. Joppa Road
Towson, Md 21204
Telephone 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

6.94 Acre Parcel
Cross Campus Drive Near York Road
Ninth Election District
Baltimore County, Maryland

BEGINNING for the same at the intersection of the zoning line which divides the O-1 and D.R. 16 zones and the South side of Cross Campus Drive, said point being located 487 feet more or less as measured along the South side of Cross Campus Drive from a fillet connecting said South side of Cross Campus Drive and the West side of York Road, thence leaving said zoning line and running with and binding on said South side of Cross Campus Drive and also on part of the seventh and the eighth lines of the outline of a parcel of land described in a deed dated December 1, 1977 from Greater Towson Realty, Inc. to Exxon Corporation and recorded among the land records of Baltimore County in Liber E.R., Jr., 5832 folio 363 (1) Northwest by a curve to the right with the radius of 1,299.33 feet and the length of 95 feet more or less, (2) North 55 degrees 29 minutes 07 seconds West 83.67 feet, thence leaving said South side of Cross Campus Drive and running and binding on the ninth, tenth, eleventh, twelfth, first and part of the second lines of said aforementioned outline, (3) Southwest by a curve to the left with the radius of 15.00 feet, the length of 23.56 feet, the chord of said curve being south 79 degrees 30 minutes 53 seconds West 21.21 feet, (4) Southwest by a curve to the right with the radius of 130.00 feet, the length of 108.91 feet, the chord of said curve being South 58 degrees 30 minutes 53 seconds West 105.75 feet, (5) Northwest by a line curving to the right with the radius of 530.00 feet, the length of 291.32 feet, the chord of said curve being North 81 degrees 44 minutes 20 seconds West 287.66 feet, (6) South 24 degrees 38 minutes 30 seconds West 445.92 feet, (7) South 65 degrees 21 minutes 30 seconds East 447.65 feet and (8) South 52 degrees 15 minutes 00 seconds East 170 feet more or less to a point on said aforementioned zoning line thence binding thereon (9) Northeasterly 280 feet more or less and (10) Northeasterly 365 feet more or less to the place of beginning.

Containing 6.94 acres of land more or less.

June 7, 1983

Our File No. 83038



BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

ROBERT L. HANNON
DIRECTOR

July 7, 1983

Mr. Kenneth D. Dryden, Chairman
Baltimore County Planning Board
4th Floor - New Courts Building
Towson, Maryland 21204

Dear Mr. Dryden:

This letter is written in behalf of Citicorp Financial, Inc. (CFI), which operates its Mid-Atlantic Division from facilities at 7720 York Road, Towson. This operation is a regional headquarters serving Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia. CFI employs approximately 650 persons housed within its existing building of 120,000 square feet.

In April of this year, representatives of CFI met in my office and informed me of their intention to expand their existing facility in two phases. The outcome of this expansion would benefit Baltimore County in several ways. The obvious benefits are in job creation and expansion of the tax base. In addition to guaranteeing the retention of the existing 650 positions, expansion would create up to 1,150 new jobs within occupational categories to which both our educational institutions and public job retraining programs are targeted. Additional benefit is gained by the County from the prestige of hosting the regional headquarters of a nationally recognized firm such as Citicorp Financial, Inc. This recognition, enhanced by the support of local government in accommodating business needs, is a necessary ingredient in a successful program of externally marketing Baltimore County for economic growth and development.

This office emphatically endorses CFI's expansion program and urges the Planning Board to make appropriate certification to the County Council for early action on CFI's Petition for Reclassification.

If this office can provide further information that would be helpful to Planning Board action, I would be most anxious to respond.

Regards,

Robert L. Hannon
ROBERT L. HANNON
Director

RLH:jet

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Thomas Toporovich
County Council Secretary-
Administrator Date: July 11, 1983

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Reclassification Petition: Citicorp Financial, Inc.
Request for exemption from cyclical procedures

At its meeting on July 7, 1983, the Ad hoc Committee on Master Plan and Zoning Map of the Baltimore County Planning Board voted to recommend that the Planning Board certify to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your tentatively scheduling this item for Council consideration at its August meeting, subject to favorable action by the Planning Board at its meeting on July 21, 1983.

Thank you for your cooperation in this matter.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JH:cav

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

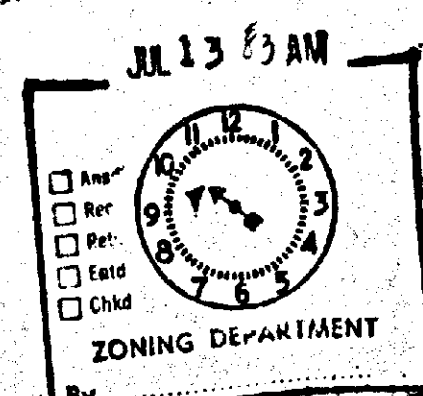
William T. Hackett, Chairman
County Board of Appeals

Leonard S. Jacobson
County Solicitor

John W. Hession, III
People's Counsel

James E. Dyer
Zoning Supervisor

Richard A. Reid, Esquire



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABDON
ZONING COMMISSIONER

October 25, 1983

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
SW/corner York Road and Cross
Campus Drive
Citicorp Financial, Inc. - Petitioner
Case No. R-84-120

Dear Mr. Reid:

This is to advise you that \$122.78 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jabdon
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122960

DATE 10/31/83 ACCOUNT R-01-615-000

AMOUNT \$122.78

RECEIVED FROM Richard A. Reid, Esquire
Advertising & Posting Case R-84-120

FOR 10/31/83

0 056*****122781b 8316A

VALIDATION OR SIGNATURE OF CASHIER



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 16, 1984

Richard A. Reid, Esq.
102 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. Reid:

Re: Case No. R-84-120
Citicorp Financial, Inc.

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: C. Keith McLendon
Peter Zimmerman, Esq.
The Hon. Donald P. Hutchinson
B. Melvin Cole
Malcolm F. Spicer, Jr., Esq.
A. Jablon
J. Jung
J. Dyer
N. Gerber
J. Hoswell
Barbara Keman

NOV 29 1983

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 800
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL:
JOHN L. ASKEW

November 14, 1983

William T. Hackett, Chairman
County Board of Appeals
Room 200
Olde Court House
Towson, Maryland 21204

Re: Case No. R-84-120
Citicorp Financial, Inc.

Dear Chairman Hackett:

I have reviewed Baltimore County's Traffic Study for York Road and Burke Avenue with Petitioner's Traffic Consultant. Our interpretation of the data furnished is as follows:

Evening Peak Hours	Morning Peak Hours
Northbound C	Northbound A
Southbound C	Southbound B
Eastbound D	Eastbound D
Westbound B	Westbound D

Accordingly, there is only one D rating in the morning and one in the evening for the four turning movements. By copy of this letter, I am asking Mr. Flanagan to notify you if he disagrees with the foregoing conclusions.

Also, I would like to comment that the conclusions reached by Baltimore County indicate that the intersection is operating at level of service D which would permit the development sought by Citicorp. On the other hand, I do not think that traffic conditions are a valid reason for denying rezoning. Baltimore County's Growth Management Law prohibits the issuance of building permits in areas impacted by failing traffic conditions. It is at that time that traffic becomes a consideration and not upon consideration of a Petition for Rezoning.

Very truly yours,

Richard A. Reid

RAR/kg
cc: Mr. Michael S. Flanagan and Peter Max Zimmerman, Deputy People's Coun.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 8, 1983

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. R-84-120
Citicorp Financial, Inc.

Dear Mr. Reid:

Enclosed herewith is a copy of the traffic study which we received today from People's Counsel.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117687

DATE 6-24-83 ACCOUNT 1201615-010

AMOUNT 100.00

RECEIVED FROM R. A. Reid

FOR Edith T. Eisenhart, Adm. Secretary

Validation or Signature of Cashier

Page Two
February 13, 1984
RE: Case No. R-840-120 Item #12

without foundation. We also consider testimony presented to the Board by Citicorp experts in areas such as traffic, to be so inaccurate and misleading as to constitute a massive danger to the health, safety and well-being of our residents, and to be the greatest assault on the integrity of the zoning maps ever experienced in Towson.

The precedents of this case, if allowed to stand without input from the communities, threaten due process. The charge made by Citicorp, that the neighborhood has changed drastically, threatens our future well-being as well as other communities throughout the county.

Sincerely,

David L. Kreek, President

cc: Keith S. Franz, AB
Williams R. Evans, AB
Patricia E. Phipps, AB
Hon. Donald P. Hutchinson

Hon. Ronald B. Hickenell
Hon. James T. Smith, Jr.
Hon. Norman W. Lauenstein
Hon. John W. O'Rourke
Norman E. Gerber, OPZ
Hon. Clarence Long
Hon. Thomas B. Keenan
Hon. F. Vernon Booser

Joanne Suder, AB
Diana K. Vincent, AB
Leroy B. Spurrier, AB
B. Melvin Cole, County Admin. Office
Hon. Gary Huddles
Hon. Barbara F. Bachur
Hon. Eugene W. Gallagher
Thomas Toporovich
Hoke Smith, Pres., TSU
Hon. Donald K. Hughes
Hon. Martha Klina
Phyllis Friedman,
People's Counsel

ppp printed Oct 9, 1983
adv. Jeff. Oct 13,
T.T. - Oct 13,

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. C. Richard Moore
Assistant Traffic Engineer

FROM: CAPACITY STUDY GROUP

INTERSECTION: Burke Avenue and York Road

DATE: November 7, 1983

DATE OF STUDY: November 1, 1983

Burke Avenue is a two-lane undivided county road with a left and right turn lane W/B. Burke Avenue E/B is a four-lane divided county road with a left turn lane and right yield. York Road is a four-lane undivided state road with left turn arrows in both directions.

The signal functions as a 6 phase light. Cycle lengths in the morning was approximately 92 seconds long. In the afternoon they were approximately 104 seconds long.

The peak flow was N/B on York Road during the morning peak hour; and S/B on York Road during the afternoon peak hour.

LOADED CYCLES:

	York Road		Burke Avenue		OVERALL
	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND	
A.M. ---		32	32	35%	35%
---		8 - 9	8 - 9	7:30-8:30	7:30-8:30
P.M. 27%		18%	70%	3%	72%
4:30-5:30		4:30-5:30	4:30-5:30	4 - 5	4:30-5:30

TURNING TRAFFIC

	L	R	L	R	L	R	L	R
A.M. 36%	X	X	12%	X	62%	28%	X	X
P.M. 29%	14%	18%	X	X	41%	33%	X	X

MINIMAL trucks in the P.M. On there were trucks in the A.M. and trucks in the P.M. There were in the

REMARKS

THE LEVEL-OF-SERVICE OF THIS INTERSECTION HAS BEEN DETERMINED TO BE A 'D'.

CTB/ccm

People's Counsel for Baltimore Co.

In the Matter of the Application of
Citicorp Financial, Inc. for reclassification
from D.R. 16 to C-1 on Property located
on the SW Corner York Road & Cross Campus
Drive, 9th District
Zoning Case No. R-84-120
County Board of Appeals of Baltimore Co.

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

Docket 16 Folio 117

Case No. 84 M 62

NOTICE OF FILING OF RECORD

TO: Phyllis Cole Friedman

Peter Max Zimmerman

County Board of Appeals of Balto. Co.

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on February 21, 1984.

Elmer H. Kahline, Jr., Clerk
Per [Signature] Deputy Clerk

True Copy Test
ELMER H. KAHLINE, JR., Clerk
Per [Signature] Deputy Clerk

FILED FEB 21 1984

COPY

ROYSTON, MUELLER, MCLEAN & REID
SUITE 800
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

February 13, 1984

Carol A. Bensch, Reporter
Board of Appeals
Room 200 Olde Court House
Towson, Maryland 21204

Re: People's Counsel v. Citicorp Financial, Inc.

Dear Carol:

In accordance with our telephone conversation of this date, I am enclosing herewith our check made payable to you in the amount of \$200.00 as a down payment for the transcript of the testimony in the above-entitled appeal. We understand that there will be a charge of an extra \$1.00 a page for you and your typist to comply with our request that the transcript be prepared as soon as possible. You advised that you would have it completed and filed by Thursday, February 23, 1984.

By copy of this letter I am asking Edith T. Eisenhart, Administrative Secretary of the Board, to take notice that we are standing every effort to expedite the appeal and ask that the other documents required to be forwarded to the Circuit Court for Baltimore County be ready for filing on that date.

I would also like to confirm that all of the foregoing is with the permission and cooperation of People's Counsel for Baltimore County.

Very truly yours,

Richard A. Reid

RAR/kg
Enclosure

cc: Mrs. Phyllis C. Friedman
People's Counsel for Baltimore County

Mrs. Edith T. Eisenhart
Administrative Secretary of the Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Hon. John W. O'Rourke
Baltimore County Council

Date: February 27, 1984

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Case No. R-84-120 - Citicorp Financial, Inc.

Replying to your letter of February 21, 1984, requesting the status of the above entitled case, please be advised that it has been appealed to the Circuit Court for Baltimore County by the People's Counsel.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH

The Greater Towson Council of Community Assoc.
David L. Kreek
President
231 Linden Avenue
Towson, Maryland
21204
301-321-0663

February 13, 1984

William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 200
Court House
Towson, MD 21204

RE: Case No. R-840-120 Item #12
Citicorp Financial, Inc.
Cross Campus Drive and York Road

Dear Mr. Chairman,

The Greater Towson Council of Community Associations is an umbrella organization comprised of twenty community associations in the greater Towson area representing the rights and interests of residents in our community.

We are requesting that the Board of Appeals re-open the hearing of this case, an appeal by Citicorp Financial, Inc. for a change of zoning of their property from DR-16 to O-1.

We contend that in the absence of any prior notice from any county department, the Board of Appeals, or even the People's Counsel that the hearing procedure was incomplete. The surrounding community associations should have been consulted, especially since Citicorp was granted this appeal based on a change of character in our neighborhoods.

We appeared at the public hearing on October 25, 1983. At that time, no indication was made by the Planning Board or any county employees that Citicorp was withdrawing from the regular process, although the October 5th notice sent to the People's Council would indicate that there was knowledge by some. Indeed, the Association was reassured by the pink sheets, for the Fourth Councilmatic District, distributed that evening that the Citicorp matter was going through the Regular Cyclical Process as Item 4-11. Further, members of the Association had discussed many issues with various relevant county agencies and were not advised of any appeal.

We consider the charge by Citicorp that the character of the neighborhood has "dramatically" changed to be totally

Re: 11-15-83
8:30 am



COUNTY COUNCIL OF BALTIMORE COUNTY
COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

JOHN W. O'ROURKE
COUNCILMAN, SEVENTH DISTRICT

COUNCIL OFFICE: 44-31-88
DUNDALK DISTRICT OFFICE: 384-0281
10 DUNDALK, P.O. BOX 8086
DUNDALK, MD 21222

February 21, 1984

William T. Hackett
Chairman
Board of Appeals of Baltimore County
Courthouse
Towson, Maryland 21204

Dear Mr. Hackett,

What is the status of case number R-840-120, Item 12?

Are the allegations referred to by Mr. Kreeb, president of the Greater Towson Council of Community Associations, founded? If they are, what remedies can be made?

Sincerely,

John W. O'Rourke
Councilman, 7th District

JWO/ms
cc: Mr. Kreeb

Rec'd 2/23/84
11:20 am

RECEIVED
COUNTY BOARD OF APPEALS
1984 MAY 30 A 11:53

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE

COUNTY COURTS BUILDING

401 Bailey Avenue

P.O. Box 6754

Towson, Maryland 21204-0754

June 1, 1984.

Pratt, Cole, Friedman, Esq.

County Board of Appeals of Baltimore Co.

Richard A. Reid, Esq.

County Board of Appeals of Baltimore Co.

County Board of Appeals of Baltimore Co.

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Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204

JOHN W. HESSIAN, III
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

TEL 494-2188

November 17, 1983

The Honorable
William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 200, Court House
Towson, Maryland 21204

RE: Citicorp Financial, Inc., Petitioner
Case No. R-84-120 (Item 12)

Dear Mr. Hackett:

The record is now complete in the above case, so that it is ripe for decision. We shall not file any further written memorandum.

At oral argument, we referred to the cases of Heller v. Segner, 260 Md. 393, 272 A.2d 374 (1971), and Cardon Investments v. Town of New Market, 55 Md. App. 573 (1983), copies of which are enclosed. These pertain to change in the character of the neighborhood. We would also refer to the fact that the Circuit Court for Baltimore County on November 8, 1983 affirmed the Board's denial of a petition for reclassification on the Solely property at the northeast corner of York Road and Albright, in close proximity to the subject property. While Solely involved a number of issues, one of the issues was whether or not there had been a significant change in the character of the neighborhood to warrant office reclassification.

As to the traffic conditions at York Road and Burke Avenue, as interpreted under Baltimore County procedures (level of service "D") or under the Petitioner's interpretation (direction), traffic remains a matter to be considered, particularly in light of other properties already in the process of development or newly developed in the neighborhood.

Having said that, we await the Board's decision at its earliest convenience.

Very truly yours,
Peter Max Zimmerman
Deputy People's Counsel

Enclosures

cc: Richard A. Reid, Esquire
PMZ:sh

Rec'd 11/23/83
10:11 PM

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Reclassification
SW corner of York Road and Cross
Campus Drive
Citicorp Financial, Inc. - Petitioner
Case No. R-84-120

TIME: 10:00 A.M.

DATE: Wednesday, November 2, 1983

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

374 Md.

773 ATLANTIC REPORTER, 24 SERIES

280 Md. 773
LEE HELLER, III
v.
Charles SEGNER, et al.
No. 198.
Court of Appeals of Maryland.
Jan. 13, 1971.

County Board of Appeals granted changes in zoning classifications from residential to commercial to permit filling station and shopping center on the property, and neighbors in the area protested. The Circuit Court for Anne Arundel County, W. Harvey Beardmore, J., set aside the changes, and parties seeking the rezoning appealed. The Court of Appeals, Hammond, C. J., held that growth in residential use surrounding the property and resultant population increase of area, and intensification of commercial use near intersection on which property was located were not changes of character of neighborhood which would justify reclassification.

Order affirmed.

1. Zeigler @168

Construction of school and one million gallon water tank were used legislatively permitted as compatible in a residential area, and were not the type of change of character of a neighborhood which would justify reclassification of property at nearby intersection from residential to commercial.

2. Zeigler @168

Where area of intersection contained a filling station and various stores at time of previous rejection of application for rezoning of residential land on intersection

to commercial, subsequent building of a second gasoline station, rezoning for a store near intersection and intensification in use of the commercial strip along one street near intersection did not effect any real change in character of the surrounding land which would justify the rezoning sought.

Intensification of residential use of surrounding property, resulting in large population growth adjacent to residential to permit filling station and shopping center, would not of itself justify or support the commercial rezoning, and matter of need would become pertinent only after sufficient change to permit rezoning to commercial could be shown.

Charles C. W. Atwater, Baltimore (David A. Carney and Mylander & Atwater, Baltimore, on the brief), for appellants.

Malcolm B. Smith, Annapolis (Smith & Walgreen, Annapolis, on the brief), for appellees.

Argued before HAMMOND, C. J., and McWILLIAMS, FINAN, SINGLEY and DIGGES, JJ.

HAMMOND, Chief Judge.
The appellants (who seek a rezoning in Anne Arundel County from residential to commercial) used the space of preservation to attack, advancing beneath their banner the principle: "If at first you don't succeed, try, try, try again," and the appellees (protecting neighbors) defended with the shield of res judicata, waving their flag in protest: "The more things change, the more they remain the same." In 1962 the

1. William Edward Hudson, Try and Try Again, quoted in The House Book of Questions (10th ed. 1967), p. 1468. The true authorship of the famous line has been elusive. One T. H. Palmer is credited in H. F. Fowler's Favorite Poems, Old and New (1907), p. 640, while

2. "Plus ça change, plus c'est la même chose." Abbé de La Rochefoucauld, Les Maximes (January 1549).

Commissioners granted the rezoning of the northwest corner of Benfield Road (which runs north and south) and the intersection in the Light Commercial use as a filling station) and a change in the character of the surrounding land which would justify the rezoning sought.

The 1962 application sought a change in the character of the surrounding land which would justify the rezoning sought. The Commissioners granted a change in the character of the surrounding land which would justify the rezoning sought. The Commissioners granted a change in the character of the surrounding land which would justify the rezoning sought.

1. Zeigler @168

Justification of residential use of property, resulting in large population growth adjacent to residential to permit filling station and shopping center, would not of itself justify or support the commercial rezoning, and matter of need would become pertinent only after sufficient change to permit rezoning to commercial could be shown.

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375

HELLER v. SEGNER

MD. 375

280 Md. 773

LEE HELLER, III

v.

Charles SEGNER, et al.

No. 198.

Court of Appeals of Maryland.

Jan. 13, 1971.

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to commercial, subsequent building of a second gasoline station, rezoning for a store near intersection and intensification in use of the commercial strip along one street near intersection did not effect any real change in character of the surrounding land which would justify the rezoning sought.

Intensification of residential use of surrounding property, resulting in large population growth adjacent to residential to permit filling station and shopping center, would not of itself justify or support the commercial rezoning, and matter of need would become pertinent only after sufficient change to permit rezoning to commercial could be shown.

Charles C. W. Atwater, Baltimore (David A. Carney and Mylander & Atwater, Baltimore, on the brief), for appellants.

Malcolm B. Smith, Annapolis (Smith & Walgreen, Annapolis, on the brief), for appellees.

Argued before HAMMOND, C. J., and McWILLIAMS, FINAN, SINGLEY and DIGGES, JJ.

HAMMOND, Chief Judge.
The appellants (who seek a rezoning in Anne Arundel County from residential to commercial) used the space of preservation to attack, advancing beneath their banner the principle: "If at first you don't succeed, try, try, try again," and the appellees (protecting neighbors) defended with the shield of res judicata, waving their flag in protest: "The more things change, the more they remain the same." In 1962 the

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2. "Plus ça change, plus c'est la même chose." Abbé de La Rochefoucauld, Les Maximes (January 1549).

Commissioners granted the rezoning of the northwest corner of Benfield Road (which runs north and south) and the intersection in the Light Commercial use as a filling station) and a change in the character of the surrounding land which would justify the rezoning sought.

The 1962 application sought a change in the character of the surrounding land which would justify the rezoning sought. The Commissioners granted a change in the character of the surrounding land which would justify the rezoning sought. The Commissioners granted a change in the character of the surrounding land which would justify the rezoning sought.

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Appeal was pending before the Circuit Court. Commissioners enacted a zoning ordinance, defined truck stops and restricted light industrial classifications. The appeal in the pending appeal became moot.

County Commissioners passed which rezoned the property H.S. The site because designated as H.S. on the 1972 comprehensive

change in the character of the rezoning of the property (the staff report, which measured the

also found that there was no mistake in the G.C. classification. The rezoning then appealed to the Circuit Court.

At this time, the Department of Planning, which had not appeared, filed a timely intervention and a rezoning ordinance, in accordance with 2 (r) of the Maryland Code. An order for Frederick County dated May 1976 was issued.

The circuit court reversed the action of the rezoning. The rezoning was denied. The court's order of August 10, 1982, was affirmed.

The oral opinion the circuit court was to determine whether "the rezoning was erroneous as a matter of fact or as a matter of law. The court observed that it could not

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make findings of fact, but could "conclude that there was not sufficient evidence before the Commissioners to make the findings that they did make."

When a local legislative body enacts a zoning ordinance, either original zoning or rezoning, pursuant to powers granted by the Legislature there is a presumption of validity, albeit with greater force in the case of original zoning. Where, however, "there is no room for reasonable debate, or a record barren of supporting facts... the Court can declare legislative action" invalid. *Wakefield v. Kraft*, 202 Md. 136, 141-42 (1983).

This same standard is set out in *Howard County v. Dorsey*, 292 Md. 351, 355-56 (1982); *Boyce v. Semblly*, 25 Md. App. 43, 49-50 (1975); *Rockville v. Henley*, 268 Md. 469, 472-73 (1973). See generally: 6 R. Rohan, *Zoning and Land Use Controls*, §99.02 [3] (1983).

In the case *sub judice* the circuit court set out the authority of the County Commissioners, which "is limited to circumstances where there is sufficient evidence for them to conclude that the zoning was mistakenly applied in the original zoning or that there had been substantial changes in the character of the neighborhood to warrant the decision to make the change."

The circuit court, in its oral opinion, found that the record before it did not contain sufficient evidence of mistake or change in the neighborhood to justify the rezoning. Specifically, with regard to the change consideration date, it stated that:

1. In 1971 the Board of County Commissioners rezoned the property from an agricultural category to a commercial category. The property continued in that classification until the time of the current attempt to rezone. This caused "a truncating... of the circumstances or the necessity to view and consider changes prior to that date."

2. The fact that the 1972 plan classified the property of H.S. is irrelevant to the Board of County

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Commissioners' determination to rezone in this case.

3. Textual changes in the 1977 ordinance created "refinements of the zoning classification," which in turn required designating on the map those areas where the textual changes applied. There was, accordingly, "a conscious determination to find the sites... appropriate for this highway service classification," but the subject property was not one of them.

4. As a result, the time for "a consideration of the change in the character of the neighborhood" was 1977.

With respect to evidence of mistake or change, the court stated:

5. The Commissioners made an express finding that there was no mistake in the general commercial zoning of the property in 1977.

6. The changes set out by the Commissioners going back to the date that the court deemed appropriate would not call for a reclassification, e.g., — the nature, scope and location of the highway improvements had long been considered; their completion in 1974 is of "no telling consequences" in the character of the neighborhood to place the property "in the commercial category..."

7. The availability of adequate sewer facilities is not significant, though the system, of course, should "be able to take care of the property."

8. The number of extensions of commercial zoning set out in the opinion of the Commissioners were "by their own findings... of the same character" as those that had previously taken place, or had been previously considered, and therefore "do not meet the test of the change in character of the neighborhood."

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9. The only change of consequence that was in evidence before the Commissioners was the text change of 1983.

10. "Therefore, there is no conclusion that there has been a change in the character of the neighborhood requiring."

The circuit court thus held that the change in the neighborhood would be measured by 1959, as provided in the 1977 Ordinance from 1977 (or even 1971).

Appellant raises the following issues:

I. Did the court err in finding that the change should be measured from either 1971 or 1977, out in the ordinance?

II. Did the court err in finding that the change should be measured from 1959, as provided in the 1977 Ordinance, but 1977, measuring from 1977 (or even 1971), the court found insufficient change to warrant rezoning appellant's property.

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II. Did the court err in finding that there was not sufficient evidence of change in the character of the neighborhood to support the reclassification?

III. Did the court err in finding that the reclassification was not a proper exercise of legislative discretion based on the Frederick County comprehensive plan?

The Change Consideration Date

Appellant argues that change should have been measured from 1959; it argues that the circuit court erred in treating the 1977 ordinance as a comprehensive rezoning, from which change must be measured. The 1977 ordinance, No. 77-1-75, contained the following provision, codified in the Frederick County Zoning Code as Section 1-19-67:

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Appellant contends that a legislative intent to rezone comprehensively is a necessary precondition to application of the mistake/change rule. When, as here, the zoning authority expressly disavows such an intent, appellant concludes that a court cannot treat the rezoning as comprehensive.

A.

"Comprehensive rezoning" is a term of art with a specific legal definition set out by the Court of Appeals in numerous cases.

In *Mraz v. County Comm'rs of Cecil Co.*, 291 Md. 81, 88, 89 (1981) the Court stated that:

"The indicia of 'comprehensiveness' in zoning are well established. A comprehensive zoning or rezoning must be well thought out, the product of careful consideration and extensive study, and based upon considerations concerning the common needs of the particular area. It must be designed to control and direct the use of land and buildings according to present and planned future conditions, to accomplish as far as possible the most appropriate uses of land consistent with the public interest and the safeguarding of the interests of the individual property owners. Other characteristics of comprehensiveness may be found in the fact that the zoning or rezoning applies to or covers a sub-

stantial or wide geographical area, that it covers all land uses, and that it covers all land use classifications; height, area, and a few changes in zoning are made. Comprehensive nature of the rezoning is a necessary precondition to application of the mistake/change rule. When, as here, the zoning authority expressly disavows such an intent, appellant concludes that a court cannot treat the rezoning as comprehensive.

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WHEREAS, the Board of County Commissioners hereby state their purposes and findings for adopting a new Zoning Ordinance and Map as follows:

Purposes and Findings

This Ordinance is the product of over one (1) year of studies, workshops and public hearings. After conducting hearings and workshops in the various planning regions of the County at which all citizens were invited to and did submit their views on the various proposals, the Frederick County Planning Commission held eleven (11) public hearings and the County Commissioners conducted hearings on three (3) separate days on the new Ordinance and the various proposals considered.

There had been no comprehensive changes in the Zoning Ordinance Map and Text since 1959, at which time zoning was initiated in Frederick County. Since 1959, the County has experienced comparatively rapid growth; some 30,000 people have been added to the population; 51% of all new homes have been built since 1971. From 1959 to 1974, some 1,076 farms have been eliminated, representing some 83,130 acres.

Since the original enactment of zoning in 1959, the Zoning Map has undergone only piecemeal changes. During this past seventeen (17) year period there has been over 250 individual rezoning requests for changes and 160 of these requests have been approved. While almost every conceivable type of request has been approved — uponing as well as downzoning, almost 100 of the approved Map changes involved taking land out of the Agricultural District. By virtue of these rezoning there has been over 6,000 acres or almost 10 square miles of land rezoned from agriculture to a more intensive residential, commercial or industrial classification.

It is true that there are cases in which it has been said that 'changes' antecedent to rezoning may be taken into consideration, along with other changes, in the determination whether later piece-meal rezoning is lawfully permissible. In *Town of Somerset v.*

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This new Ordinance provides which would allow a more intensive use of land, establishes the relationship between the zoning districts and the areas designated Comprehensive Development I, the number of residential zones (3) districts to six (6) districts, and housing types than in the previous Ordinance. Since approximately 91% of the area of the County was and is in the Conservation Zoning District and the Agricultural Zoning District (approximately 25% and 60%, respectively), necessarily these districts received the most attention of the Planning Commission, its staff and the County Commissioners." (Emphasis added.)

The "Purposes and Findings" section continues with great specificity to set out the bases for the changes that were ultimately adopted. All but four of the changes recommended by the Planning Commission and its staff were adopted.

Based on the foregoing, we hold that the 1977 Ordinance meets all of the criteria set out in *Mraz*, supra, and was, indeed, comprehensive rezoning.

B.

Given that the 1977 rezoning was comprehensive, appellant maintains that change since 1959 has been considered in determining its land.

In *Jay v. Smith*, 34 Md. App. 538 (1977), we stated:

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County, 229 Md. 42, 181 A.2d 671 (1962), it was said at 48 (674):

Changes which may have occurred prior to the last comprehensive rezoning need not be wholly disregarded when a change from that zoning is under consideration. It may be — as was the case here — that it was a rather close question in the minds of the officials concerned whether a change in the zoning of the land involved should not have been made at the time of the last comprehensive zoning, and additional changes thereafter may bring the zoning status of the land as to which action is sought over the line dividing different zones." *Id.* at 544-45 (Emphasis in original.)

In *Jay*, the preamble to the comprehensive zoning ordinance provided that the haphazard pre-ordinance changes

"... were the very events that were declared to be in 'circumvention of the proposed county comprehensive plan' and had put 'undue pressure on existing public facilities and creates problems of an urban nature that may be in conflict with agricultural conservation.' To permit those antecedent changes to serve as a foundation for this reclassification would be to subvert ordinance 73-42 and render its passage a mockery." *Id.* at 546.

Based on this statement of legislative rationale, we held that pre-ordinance changes in the neighborhood could not be considered to justify a reclassification. *Jay* establishes, then, that pre-ordinance changes may sometimes be considered, and that the contents of an ordinance may affect this consideration. *CF Runyon v. Glackin*, 45 Md. App. 457 (1980) (absence of preamble quoted in *Jay* allows consideration of pre-ordinance changes).

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